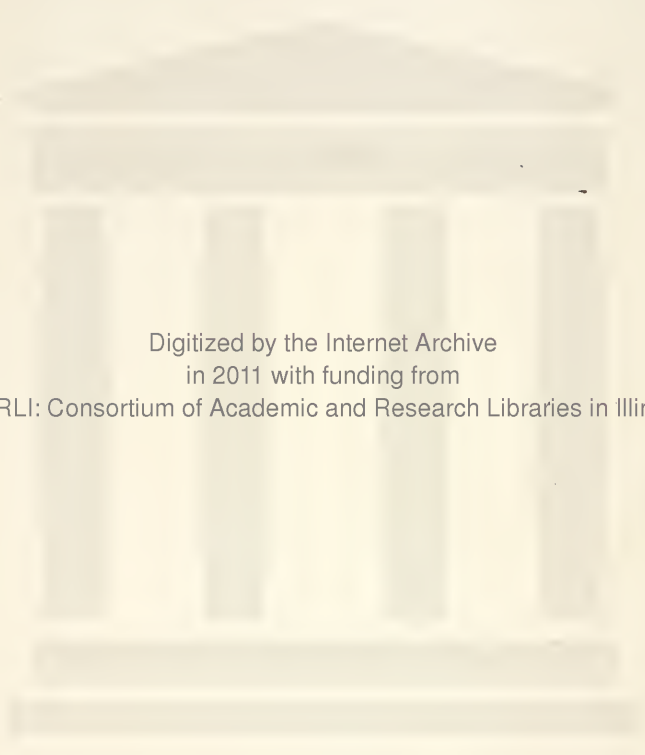


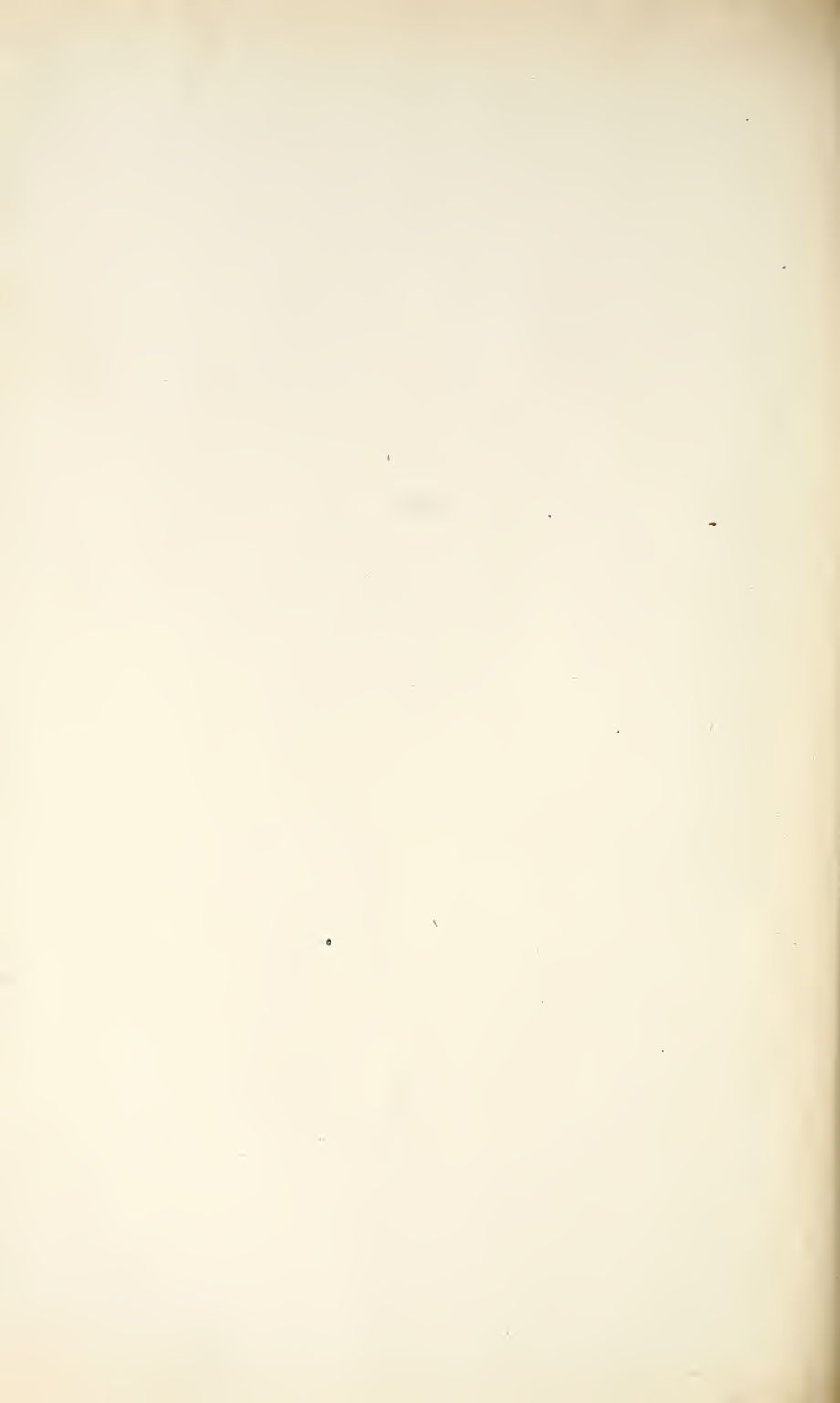
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# L A W S

OF THE

# STATE OF ILLINOIS

ENACTED BY THE

THIRTY-NINTH GENERAL ASSEMBLY,

AT THE REGULAR BIENNIAL SESSION,

*Begun and held at the Capitol, in the City of Springfield, on  
the 9th day of January, A. D. 1895, and adjourned  
sine die, on the 14th day of June, A. D. 1895.*

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# LAWS OF ILLINOIS.

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## AGRICULTURE AND HORTICULTURE.

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### ILLINOIS FARMERS' INSTITUTE.

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| § 1. Creates Illinois Farmers' Institute.                         | § 6. Terms of office of directors—Vacancies—organization and election of officers. |
| § 2. To consist of three delegates from each county.              | § 7. Rooms in Capitol to be assigned Board of Directors.                           |
| § 3. Board of Directors.  | § 8. Rules and by-laws.  |
| § 4. Board of Directors—Duties—Annual report—Printing of reports. | § 9. Appropriation—First Board of Directors.                                       |
| § 5. Annual public meetings—Election of directors.                |  |

### AN ACT *creating the Illinois Farmers' Institute.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That to assist and encourage useful education among the farmers and for developing the agricultural resources of the State, that an organization under the name and style of "Illinois Farmers' Institute," is hereby created and declared a public corporation of the State.

§ 2. It shall consist of three delegates from each county of the State, elected annually at the Farmers' Institute for said county by the members thereof.

§ 3. The affairs of the Illinois Farmers' Institute shall be managed by a board of directors consisting of,

- (1.) State Superintendent of Public Instruction.
- (2.) Professor of Agriculture of the University of Illinois.
- (3.) President of the State Board of Agriculture.
- (4.) President of the State Horticultural Society.
- (5.) President of the State Dairymen's Association.

And one member from each congressional district of the State, to be selected by the delegates from the district present at the annual meeting of this organization, provided that the members

first selected from the congressional districts of even numbers shall serve for one year and the members first selected from the congressional districts of odd numbers shall serve for two (2) years, and that the members selected thereafter to fill expired terms of office shall serve for a period of two (2) years.

§ 4. The board of directors of the Illinois Farmers' Institute shall have sole care and disposal of all funds that may be appropriated by the State to sustain the organization and shall expend the same in such manner as in their judgment will best promote the interest in useful education among the farmers and develop the agricultural resources of the State. The Illinois Farmers' Institute shall make annual report to the Governor of its transactions, which report shall include papers pertaining to its work and addresses made at the annual meeting of the organization, and a classified statement of all moneys received and of all expenditures made, and the Governor shall cause ten thousand (10,000) copies of said report to be printed, one-half for the use of the Illinois Farmers' Institute and the remainder for the use of the State and General Assembly. It shall make no appropriation without funds in hand to meet same and the State of Illinois shall in no event be held liable or responsible for any debt, obligation or contract made by the Illinois Farmers' Institute or its board of directors.

§ 5. There shall be held annually, under the direction of the board of directors, between October 1st and March 1st following, of each year, a public meeting of the delegates from county farmers' institutes and of farmers of this State at such time and place as may be determined by the board of directors of not less than three (3) days duration, which meeting shall be held for the purpose of developing the greater interest in the cultivation of crops, in the care and breeding of domestic animals, in dairy husbandry, in horticulture, in farm drainage, in improved highways and general farm management, through and by means of liberal discussion of these and kindred subjects and any citizen may take part in these meetings, but only duly elected and accredited delegates from county farmers' institutes shall be permitted to vote in the election of the board of directors.

§ 6. The members [of] each new board of directors shall enter upon their duties the next Tuesday after their election and hold their offices for one or two years, as provided in section 3, or until their successors are elected and enter upon their duties. It shall have power to fill vacancies in the board. It shall organize by the election of a president, vice-president, secretary, treasurer and state superintendent of the Farmers' Institutes, and such other officers or agents as may be deemed proper for organizing and conducting the work of the organization, who shall hold their offices for one (1) year unless removed sooner by the board, and shall perform such duties as may be required of them by rules of the board. The secretary, treasurer and superintendent may be other than members of the board.

§ 7. Rooms in the Capitol building shall be assigned to the officers of this organization by the proper authority, which shall then be under the control of the board of directors.

§ 8. The board of directors may make and enforce such rules and by-laws, not in conflict with the laws of this State, as will render its work most useful and efficient.

§ 9. For the purpose mentioned in the preceding sections, said board of directors may use such sum as it may deem proper and necessary, not exceeding the amount appropriated therefor by the General Assembly from the general fund for that purpose: *Provided, further*, that the

- (1.) State Superintendent of Public Instruction.
- (2.) Professor of Agriculture of the University of Illinois.
- (3.) President of the State Board of Agriculture.
- (4.) President of the State Horticultural Society.
- (5.) President of the State Dairymen's Association.

And the present congressional representatives of the Illinois Farmers' Institute Association shall constitute the first board of directors of this organization, who shall have charge of the affairs of the same until their successors have been duly elected and enter upon their duties as provided in this act.

APPROVED June 24, 1895.

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## ANIMALS.

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### HORSES—FALSE ENTRIES IN RACES.

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| <p>§ 1. Prohibit false entries in races.</p> <p>§ 2. Violation of Section 1—Penalty.</p> <p>§ 3. Change of name of horse.</p> | <p>§ 4. Official record in evidence.</p> <p>§ 5. Emergency.</p> |
|---|---|

*AN ACT to encourage the breeding of and improvement in horses, and to prevent false entries in exhibitions or races, and to provide penalties therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to encourage the breeding of and improvement in trotting, running and pacing horses in the State of Illinois, it is hereby made unlawful for any person or persons knowingly to enter, or cause to be entered for competition, or knowingly to compete with any horse, mare, gelding, colt or filly under any other than its true name or out of its proper class, for any purse, prize, premium, stake or sweepstakes offered or given by any agricultural or other society, association, person or persons in the State of Illinois, where such prize, purse, premium, stake or sweepstakes is to be decided by a contest of speed.

§ 2. Any person or persons found guilty of a violation of section one of this act, shall, upon conviction thereof, be imprisoned in the state prison for not less than one year nor more than three years, or imprisoned in the county jail of the county in which he is convicted for any definite period not less than six months, or shall be fined in any sum not less than one hundred (100) dollars nor more than one thousand (1,000) dollars.

§ 3. The name of any horse, mare, gelding, colt or filly, for the purpose of entry for competition or performance in any contest of speed, shall be the name under which said horse has publicly performed, and shall not be changed after having once so performed or contested for a prize, purse, premium, stake or sweepstakes, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

§ 4. It is further provided that the official records shall be received in all courts as evidence upon the trial of any person under the provisions of this act.

§ 5. Whereas, an emergency exists, this act shall be in force from and after its passage.

This bill, having remained with the Governor for the period of ten days, Sundays excepted, after having been presented to him, and he having neither approved the same nor returned it with his objections thereto, to the House in which it originated, and the General Assembly being in session, it becomes a law in like manner as if he had signed it.

Witness my hand, this 31st day of May, A. D., 1895.

W. H. HINRICHSEN,

*Secretary of State.*

#### RUNNING AT LARGE.

§ 1. Prohibits animals from running at large in the State.

§ 2. Penalty—Herding of animals upon uninclosed lands, within this act.

§ 3. Highway commissioners to prepare suitable pound—Pound-master.

§ 4. Pound-master to enforce act—Penalty.

§ 5. Construction of act.

§ 6. Repeals certain acts therein named.

#### AN ACT in relation to domestic animals running at large within the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter it shall be unlawful for any animal of the species of horse, ass, mule, cattle, sheep, goat, swine or geese to run at large in the State of Illinois.

§ 2. Whoever being the owner or having control of any domestic animal of the species mentioned in section 1 of this act,



shall suffer the same to run at large shall be fined not less than two dollars nor more than ten dollars for each offense, and for every day he shall permit the same to run at large after having once been convicted under this act. The herding of any such animals upon uninclosed lands without the consent of the owner or person having control of such lands shall be deemed a running at large under this act.

§ 3. It shall be the duty of the commissioners of highways in townships in counties under township organization and the boards of county commissioners in counties not under township organization, as soon as this act takes effect, to select and prepare a suitable pound near the center of each township or voting district in counties under township organization, and near the center of each voting precinct in counties not under township organization, appoint a poundmaster, and fix his fees and charges which shall remain as fixed until the next annual election at which time the same may be changed or amended by a majority vote of the electors present, who shall at the same time elect a poundmaster for the ensuing year. Said poundmaster shall hold his office for one year and until his successor is duly elected: *Provided, however,* that in case the person so elected shall fail to act, or a vacancy occurs through resignation, removal, death or any other cause whatever, the commissioners of highways shall fill such vacancy by appointing a person to act as poundmaster until the next annual election.

§ 4. It shall be the duty of the poundmaster to enforce the provisions of this act in his district, and for any failure so to do, he shall be liable to a fine of not less than three dollars nor more than twenty dollars.

§ 5. Nothing in this act shall be construed to affect counties or townships which already have in force a law restraining the animals mentioned in this act from running at large.

§ 6. An act entitled "An act to revise the law in relation to permitting animals to run at large," approved March 30, 1874, in force July 1, 1874, and an act entitled "An act to prevent male animals running at large and for their restraint," approved March 8, 1872, in force July 1, 1872, and an act entitled "An act to prevent animals running at large within the corporate limits of incorporated cities, villages and towns," approved June 16, 1891, in force July 1, 1891, are hereby repealed.

APPROVED June 21, 1895.

## SWINE—CONTAGIOUS AND INFECTIOUS DISEASES.

§ 1. Swine not to run at large—Penalty—Herding swine within this act.

§ 2. Prevention of hog cholera—Duty of owner of diseased swine.

§ 3. Diseased swine or carcasses thereof excluded from public highways.

§ 4. Violations of sections 2 and 3—Penalty.

*AN ACT to prevent the spread of contagious and infectious diseases among swine.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whoever, being the owner of, or having charge of any swine, shall suffer the same to run at large shall be fined not less than three dollars (\$3) nor more than ten dollars (\$10) for each offense, and for every day he shall allow the same to run at large after having been once convicted under this act. The herding of any swine upon the grounds of another without the consent of the owner or person having control of such grounds shall be deemed a running at large under this act. The law providing for holding elections to vote upon the question of allowing domestic animals to run at large, shall not be construed to apply to swine.

§ 2. It shall be the duty of the owner or person having charge of any swine and having knowledge of, or reasonable grounds to suspect the existence among them of the disease known as "hog cholera," or of any contagious or infectious disease, to use all reasonable means to prevent the spread of the same, and upon its coming to his knowledge that any of such swine has died of, or been slaughtered on account of any such disease, to immediately burn, or bury the same to a depth of two (2) feet.

§ 3. No person shall convey upon or along any public highway, or other public grounds, or any private lands, any diseased swine, or swine known to have died of or been slaughtered on account of any contagious or infectious disease.

§ 4. Any person convicted of a violation of sections two (2) or three (3) of this act, shall be fined in any sum not less than five (5) nor more than fifty (50) dollars, and shall be held liable in damages to the person or persons who may have suffered loss on account of such violation.

APPROVED June 21, 1895.

## APPROPRIATIONS.

## AGRICULTURE—STATE AND COUNTY BOARDS.

§ 1. Appropriates to the State Board of Agriculture the following sums:

For exhibit at State Fair, \$5,000 per annum,

To each county or other agricultural society entitled thereto, \$100 per annum.

For salary of the secretary, \$2,500 per annum.

For clerk hire, \$2,200 per annum.

For salary of curator, \$800 per annum.

For salary of porter, \$720 per annum.

For agricultural museum, \$300 per annum.

For agricultural statistics, \$600 per annum.

For office expenses, furniture, etc., \$1,200 per annum.

§ 2. How drawn—Gambling devices on county fair grounds prohibited.

§ 3. Officers of State Board to account for moneys received and disbursed.

*AN ACT making appropriations for the State Board of Agriculture and county and other agricultural fairs.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the State Board of Agriculture the following sums, to-wit:

For the encouragement of an exhibit at the State Fair, the sum of five thousand dollars (\$5,000) per annum for the years 1895 and 1896; and for the use of each county or other agricultural society, the sum of one hundred dollars (\$100) per annum, to be paid to the treasurer of the society for fairs held in 1894 and 1895.

For the salary of the secretary, the sum of twenty-five hundred dollars (\$2,500) per annum for the years 1895 and 1896.

For clerk hire, the sum of twenty-two hundred dollars (\$2,200) per annum for the years 1895 and 1896.

For curator, the sum of eight hundred dollars (\$800) per annum for the years 1895 and 1896.

For porter, the sum of seven hundred and twenty dollars (\$720) per annum for the years 1895 and 1896.

For the agricultural museum, the sum of three hundred dollars (\$300) per annum for the years 1895 and 1896.

For the expense of collecting, compiling and publishing live stock and agricultural statistics, the sum of six hundred dollars (\$600) per annum for the years 1895 and 1896.

For office expenses, furniture, repairs, postage, expressage, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1895 and 1896.

§ 2. That, on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the Treasurer, in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that each warrant on account of county and other agricultural fairs shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such agricultural society held an agricultural fair during the preceding year, in compliance with the rules and regulations as provided by said State Board of Agriculture: *Provided, further*, that no warrant shall be drawn in favor of any agricultural society until the president and treasurer of such society file an affidavit with the State Board of Agriculture that no wheel of fortune or other gambling device was licensed or allowed upon their fair grounds.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture, on the order of the president, countersigned by the secretary of the State Board of Agriculture, to pay over to the treasurer of each agricultural society the sum received for its use and benefit, as aforesaid, and make biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED, June 13, 1895.

#### AGRICULTURE—STATE FAIR.

§ 1. Appropriates to the State Board of Agriculture, for buildings and improvements, at State Fair Grounds, the following sums:

For grand stand, \$35,000.

For machinery hall, \$75,000.

For stables, \$50,000.

For sheep and swine building, \$18,000.

For building for farm and orchard products, \$40,000.

For improvement of grounds, \$7,000.

§ 2. How paid and drawn.

*AN ACT making appropriation for the State Board of Agriculture, to be used in the construction of permanent buildings and improvements and for beautifying the State Fair Grounds at Springfield, Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums of money, or so much thereof as may be necessary, out of the State Treasury not otherwise appropriated, be, and the same are hereby appropriated to the State Board of Agriculture for the construction of permanent buildings for the State Fair and for the improvement and beautifying of the State Fair Grounds, viz.:

For a grand stand, thirty-five thousand dollars (\$35,000); for a machinery hall, seventy-five thousand dollars (\$75,000); for stables for horses and cattle, fifty thousand dollars, (\$50,000); for a sheep



and swine building, eighteen thousand dollars (\$18,000); for building for farm and orchard products, forty thousand dollars (\$40,000); for improvement of the grounds, seven thousand dollars (\$7,000).

§ 2. That one-half of said sum shall be paid out of the tax levy of 1895, and the other half shall be paid out of the tax levy of 1896: *Provided*, that all of said money shall be paid in installments from time to time as the same shall be needed to pay for the improvements authorized by this act, and on vouchers to be approved by the Governor.

APPROVED, May 31, 1895.

#### ASYLUM FOR THE INCURABLE INSANE.

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| <p>§ 1. Establishes Illinois Asylum for the incurable insane—Location—Commission of three citizens.</p> <p>§ 2. Commission to procure plans and specifications—Buildings to accommodate 200 patients. Cost not to exceed \$40,000—Plans subject to approval by State Board of Public Charities and State Board of Health.</p> <p>§ 3. Appropriates \$65,000.</p> <p>§ 4. Medical Superintendent.</p> | <p>§ 5. Asylum subject to inspection of State Board of Public Charities.</p> <p>§ 6. Transfer of incurables from existing institutions.</p> <p>§ 7. Transfer of incurables from county almshouses.</p> <p>§ 8. Expenses of transfer from State institutions borne by State; from county almshouses, by counties</p> |
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*AN ACT to provide for the location, erection, organization and management of an asylum for the incurable insane, and making an appropriation for the construction of necessary buildings.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby created and established an asylum for the proper care and custody of the incurable insane of the State, to be known as the "Illinois Asylum for the Incurable Insane." The said asylum shall be located upon grounds hereafter to be selected and located by a commission of three citizens of the State, to be appointed by the Governor. It shall be the duty of said commission to locate said buildings in the most favorable situation in the State, having in view the best interest of the State.

§ 2. The said commissioners are directed and required, to cause to be prepared the necessary plans and specifications, by a competent architect of established reputation for ability and integrity, said plans and specifications to embrace the most approved construction having reference particularly to strength and durability, and also to prudence and economy of expenditures, and shall be accompanied by a detailed estimate of the total cost for the erection and full completion according to said plans of buildings for the care and accommodation of two hundred (200) patients, with the usual proportion of officers and employés, which shall not exceed in the aggregate the sum of forty thousand (40,000)

dollars, including the offices, kitchens, bakeries, laundry, coal houses, store house, and the cost of heating and lighting the same, together with the system of sewerage and water supply. No plan shall be adopted by the said commissioners, and for buildings that are thoroughly fire-proof, and which shall not first have been approved by the State Commissioners of Public Charities, and in respect to its sanitary features by the State Board of Health. The erection of such buildings shall be made under the supervision of the board of commissioners appointed by the Governor.

§ 3. The erection of buildings and completion of the whole, also for the purchase of furniture and fixtures at the discretion of the commissioners; also for the purchase of grounds for a suitable site for the location of said buildings the sum of sixty-five thousand (65,000) dollars is appropriated, payable on the terms and in the same manner now provided by law, out of any moneys in the treasury not otherwise appropriated, and the commissioners are hereby directed and required so to apportion the expenditure of the said appropriation as to secure actual provision for the reception and care of the largest possible number of patients at the earliest practicable time.

§ 4. When the asylum shall be ready for occupancy, the commissioners shall appoint a medical superintendent of the asylum, who shall be a well-educated physician, experienced in the treatment of the insane, whose duties shall be the same as in the several hospitals for the insane in this State, as provided by law.

§ 5. The said asylum shall be subject to the inspection of the State Board of Commissioners of Public Charities, in the same manner as now provided by law for their inspection of the several charitable institutions of this State, and their powers and duties with relation to such asylum shall be the same.

§ 6. When the Illinois Asylum for the Incurable Insane is opened for the reception of patients, the medical superintendents of the Illinois Northern Hospital for the Insane, at Elgin; the Illinois Eastern Hospital for the Insane, at Kankakee; the Illinois Central Hospital for the Insane, at Jacksonville; the Illinois Southern Hospital for the Insane, at Anna, shall, with the consent of the board of trustees or board of commissioners of their respective institutions, proceed to transfer to said asylum for the incurable insane, all incurable insane that may be in their respective institutions.

§ 7. At any time after the Illinois Asylum for the Incurable Insane is opened for the reception of patients, it shall be the duty of the chairman of the board of supervisors, in counties under township organization, and the chairman of the board of commissioners in counties not under township organization, to order transferred all incurable insane patients confined in their almshouses in their respective counties: *Provided*, first that all said patients shall have been discharged from either of the insane asylums of the State of Illinois as incurable insane.



§ 8. The expenses of the transfer of any incurable insane persons from either of the insane institutions of the State, shall be paid out of any funds in the State treasury not otherwise appropriated. The expenses of transferring incurable insane persons from either of the county alms-houses located in any of the counties of the State shall be paid by the respective counties sending such incurable insane patients to said Illinois Asylum for the Incurable Insane.

APPROVED June 21, 1895.

PATRICK R. BANNON.

§ 1. Appropriates \$2,258.85 to Patrick R. Bannon to pay reward of Commission of Claims.	§ 2. How drawn.
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*AN ACT making an appropriation for the payment of the award entered by the Commission of Claims on the 24th day of January, 1895, in favor of Patrick R. Bannon, on account of damages sustained by him as the owner of certain real estate and property overflowed by waters gathered by a dam constructed by Canal Commissioners of this State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the payment of the award and entered by the Commission of Claims of this State on the 21st day of August, 1894, session thereof, being the 24th day of January, 1895, in favor of Patrick R. Bannon, of the county of Will, on account of damages sustained by him as the owner of certain real estate and property overflowed by waters gathered by a dam constructed by the Canal Commissioners of this State, as set forth in the petition and claim of the said Patrick R. Bannon, by him filed with the Auditor of Public Accounts and ex-officio clerk of the Commission of Claims, the sum of two thousand two hundred fifty-eight dollars and eighty-five cents, (\$2,258.85), being in full of all damages and costs in said award allowed as the same appears of record in the office of said Auditor of Public Accounts and ex-officio clerk of the Commission of Claims.

§ 2. The sum hereby appropriated shall be in full satisfaction of all matters claimed for by said claimant in his statement, petition and claim, above mentioned, and the Auditor of Public Accounts shall issue his warrant on the State Treasurer for the amount herein appropriated, in favor of the said Patrick R. Bannon or his legal representatives, and the State Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

APPROVED June 13, 1895.

## STATE CHARITABLE INSTITUTIONS.

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| 1. Appropriates for the ordinary expenses of the State institutions therein named, for the year beginning July 1, 1895, \$1,249,000. | § 2. Appropriates for the same purpose for the year beginning July 1, 1896, \$1,249,000. |
|  | § 3. How drawn.  |

AN ACT making appropriations for the ordinary expenses of the State institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of the State institutions named in this act, for the year beginning July 1, 1895, the sum of \$1,249,000, payable quarterly in advance, and that the said appropriation shall be apportioned between the institutions as follows:

To the Northern Hospital for the Insane.....	\$150,000
To the Eastern Hospital for the Insane.....	308,000
To the Central Hospital for the Insane.....	165,000
To the Southern Hospital for the Insane.....	125,000
To the Asylum for Insane Criminals.....	26,000
To the Institution for the Deaf and Dumb.....	100,000
To the Institution for the Blind.....	52,000
To the Asylum for Feeble-Minded Children.....	80,000
To the Soldiers and Sailors' Home.....	149,500
To the Soldiers' Orphans' Home.....	52,500
To the Charitable Eye and Ear Infirmary.....	26,000
To the State Home for Juvenile Female Offenders..	15,000

or so much thereof as may be necessary to maintain the inmates of said home, at a per capita not to exceed \$300 per annum for each inmate committed to said institution in pursuance of any law of the State of Illinois.

§ 2. For the purpose of defraying the ordinary expenses of said institutions for the year beginning July 1, 1896, the sum of \$1,249,000 is appropriated, payable quarterly in advance (which amount shall be apportioned among them as follows), and at the same rate thereafter, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly:

To the Northern Hospital for the Insane.....	\$150,000
To the Eastern Hospital for the Insane.....	308,000
To the Central Hospital for the Insane.....	165,000
To the Southern Hospital for the Insane.....	125,000
To the Asylum for Insane Criminals.....	26,000
To the Institution for the Deaf and Dumb.....	100,000
To the Institution for the Blind.....	52,000
To the Asylum for Feeble-Minded Children.....	80,000
To the Soldiers' and Sailors' Home.....	149,500
To the Soldiers' Orphans' Home.....	52,500
To the Charitable Eye and Ear Infirmary.....	26,000
To the State Home for Juvenile Female Offenders..	15,000

or so much thereof as may be necessary to maintain the inmates of said home, at a per capita not to exceed \$300 per annum for each inmate committed to said institution in pursuance of any law of the State of Illinois.

§ 3. The money herein appropriated shall be due and payable to the trustees of the several institutions named, or to their order, only, on the terms, and in the manner provided in the nineteenth section of an act entitled "An act to regulate the state charitable institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875.

APPROVED June 24, 1895.

#### STATE CHARITABLE INSTITUTIONS.

§ 1. Appropriates to the State Charitable Institutions \$71,150 per annum and \$302,150 special.

§ 2. How drawn.

*AN ACT making appropriations to the State Institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the State institutions named in this act, for the purposes herein stated:

To the Northern Hospital for the Insane:

For the construction of one covered passageway from female department to the general dining rooms, fifteen hundred dollars (\$1,500).

For general repairs, six thousand dollars (\$6,000) per annum.

For inside and outside painting, fifteen hundred dollars (\$1,500) per annum.

For concrete walks, fifteen hundred dollars (\$1,500).

For milch cows, farm implements and piggery, two thousand dollars (\$2,000).

For improvement of grounds, one thousand dollars (\$1,000) per annum.

For maintenance of library, five hundred dollars (\$500) per annum.

For four new boilers and necessary fittings to replace boilers in main building, six thousand dollars (\$6,000).

For new apparatus for the laundry, five hundred dollars (\$500).

For repairs to oven and for purchase of a dough mixer, five hundred dollars (\$500).

To the Eastern Hospital for the Insane:

For the purpose of making such repairs and improvements as may be necessary, fifteen thousand dollars (\$15,000) per annum.

For reconstruction and improvement of the central heating and power plants, four thousand dollars (\$4,000).

For reconstruction and improvement of plumbing, three thousand dollars (\$3,000).

For material and work repairing slate roofs, three thousand dollars (\$3,000).

For dairy-house, and materials and work repairing barns, twenty-five hundred dollars (\$2,500).

For addition for a dining room, one thousand dollars (\$1,000).

For the further equipment and support pathological laboratory, two thousand five hundred dollars (\$2,500) per annum.

For the equipment and maintenance of library and reading rooms, five hundred dollars (\$500) per annum.

For furniture and fixtures, five thousand dollars (\$5,000) per annum.

For cement walks, fifteen hundred dollars (\$1,500).

For painting inside and outside, five thousand dollars (\$5,000), per annum.

For roads and improvement of grounds, one thousand dollars (\$1,000) per annum.

For additional live stock, two thousand dollars (\$2,000).

For refitting basements for dining rooms, five thousand dollars (\$5,000).

To the Central Hospital for the Insane:

For repairs and improvements, six thousand dollars (\$6,000) per annum.

For maintenance of library, four hundred dollars (\$400) per annum.

For painting, two thousand dollars (\$2,000) per annum.

For rebuilding old reservoir, five thousand dollars (\$5,000).

For new engine for electric light plant, and addition to building, four thousand dollars (\$4,000).

For new boilers, three thousand dollars (\$3,000)

For converting old amusement hall into wards for patients, two thousand dollars (\$2,000).

To the Southern Hospital for the Insane:

For repairs and improvements, four thousand dollars (\$4,000) per annum.



For maintenance of library, two hundred dollars (\$200) per annum.

For painting, one thousand dollars (\$1,000).

For reservoir and improvements to water supply, three thousand dollars (\$3,000).

For hot water tank and two pumps, five thousand dollars (\$5,000).

For improvement of roads, fifteen hundred dollars (\$1,500).

For repairs to sidewalk, five hundred dollars (\$500).

For reshingling barns and cottage, five hundred dollars (\$500).

For furniture and equipment of new building, twenty thousand dollars (\$20,000).

To the Asylum for Insane Criminals:

For repairs and improvements, fifteen hundred dollars (\$1,500) per annum.

For addition to building, twenty thousand dollars (\$20,000).

For furnishing addition to building, three thousand dollars (\$3,000).

For maintenance of library, two hundred and fifty dollars (\$250) per annum.

For maintenance of electric plant, five hundred dollars (\$500) per annum.

For water supply, six hundred dollars (\$600) per annum.

To the Institution for the Deaf and Dumb:

For repairs and improvements, four thousand dollars (\$4,000) per annum.

For maintenance of library, five hundred dollars (\$500) per annum.

For improvement of trades school and purchase of printing press, two thousand dollars (\$2,000).

For cottage for boys and furnishing same, twenty thousand dollars (\$20,000).

For otological laboratory, sixteen hundred dollars (\$1,600).

For water supply, eight thousand dollars (\$8,000).

For improvement of bathing facilities and plumbing, five thousand dollars (\$5,000).

For boilers and repairs, two thousand dollars (\$2,000).

For ice-house, three hundred dollars (\$300).

To the Institution for the Blind:

For repairs and improvements, one thousand dollars (\$1,000) per annum.

For maintenance of library, four hundred dollars (\$400) per annum.

For a gymnasium and drill hall, ten thousand dollars (\$10,000).

For repairing pipe organ, five hundred dollars (\$500).

For pianos and musical instruments, one thousand dollars (\$1,000).

For new boilers, three thousand dollars (\$3,000).

For changing steam fittings and plumbing, two thousand dollars, (\$2,000).

For relaying floors, changing stairways, building wagon shed and repairing roof of main building, five thousand dollars (\$5,000).

To the Asylum for Feeble-Minded Children:

For repairs and improvements, two thousand dollars (\$2,000) per annum.

For maintenance of library, two hundred dollars (\$200) per annum.

For a school house, ten thousand dollars (\$10,000).

For a new boiler, one thousand dollars (\$1,000).

To the Soldiers and Sailors' Home:

For repairs and improvements, twenty-five hundred dollars (\$2,500) per annum.

For maintenance of library, two hundred and fifty dollars (\$250) per annum.

For painting, five hundred dollars (\$500) per annum.

For improvement of grounds, five hundred dollars (\$500) per annum.

For a storage house for vegetables, fifteen hundred dollars (\$1,500).

For reconstruction of water closets, twenty-five hundred dollars (\$2,500).

For a cottage annex to hospital, eighteen thousand dollars (\$18,000).

To the Soldiers' Orphans' Home:

For repairs and improvements, one thousand dollars (\$1,000) per annum.

For painting, five hundred dollars (\$500) per annum.

For maintenance of library, three hundred dollars (\$300) per annum.

For building and furnishing addition to school house, eighteen hundred dollars (\$1,800).

To the Charitable Eye and Ear Infirmary:

For repairs and improvements, two thousand dollars (\$2,000) per annum.

For maintenance of library, one hundred dollars (\$100) per annum.



For furniture, one thousand dollars (\$1,000).

For clothing and bedding, seven hundred and fifty dollars (\$750) per annum.

For instruments and apparatus, five hundred dollars (\$500) per annum.

For reconstruction of annex, one thousand dollars (\$1,000).

For household expenses, five hundred dollars (\$500) per annum.

To the State Home for Juvenile Female Offenders:

For horses, two hundred dollars (\$200).

For carriage, one hundred and fifty dollars (\$150).

For farm implements, one hundred dollars (\$100).

For furnishing of building, five hundred dollars (\$500).

For a library, two hundred dollars (\$200) per annum.

For stable and other improvements, one thousand dollars (\$1,000).

For improvement of grounds, five hundred dollars (\$500).

§ 2. The moneys herein appropriated shall be due and payable to the trustees of the several institutions herein named or their order, only on the terms and in the manner now provided by law.

APPROVED June 24, 1895.

#### INDUSTRIAL HOME FOR THE BLIND.

§ 1. Appropriates to the Industrial Home for the Blind, \$17,000 for working capital and completion of dormitory, and \$10,000 per annum for expenses.

§ 2. How drawn.

*AN ACT making an appropriation for the Illinois Industrial Home for the Blind, at Chicago.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be, and are hereby, appropriated to the Illinois Industrial Home for the Blind at Chicago, for the purposes hereinafter named:

For working capital to be permanently employed, \$10,000.

For completion of third and fourth stories of dormitory, \$7,000.

For running expenses, the sum of \$10,000 per annum.

§ 2. The moneys herein appropriated shall be due and payable to the trustees of said institution on their order only on the terms and in the manner now provided by law.

APPROVED June 24, 1895.

## SOUTHERN HOSPITAL FOR THE INSANE.

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| § 1. Appropriates \$171,970 for rebuilding south dormitories and wings, and administration building, destroyed by fire. | § 2. How drawn. |
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*AN ACT to make an appropriation for rebuilding the administration building and the south dormitories and wings of the Southern Hospital for the Insane, at Anna.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Southern Hospital for the Insane, at Anna, the following amount for the purposes herein specified and for no other:

For rebuilding, in a thoroughly fire-proof manner, the south dormitories and wings, and the administration building of the said hospital recently destroyed by fire, including costs of the improvements, removing debris and repairing the damage done by fire, and cost of repairing the same, the sum of one hundred and seventy-one thousand, nine hundred and seventy dollars (\$171,970), or so much thereof as may be necessary.

§ 2. The moneys herein appropriated shall be due and payable to the trustees on their order, on the terms and in the manner as follows, in sums not exceeding thirty-five thousand dollars (\$35,000), as the work progresses, on the order of the trustees and the Governor.

APPROVED April 19, 1895.

## WESTERN HOSPITAL FOR THE INSANE.

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| § 1. Establishes the Illinois Western Hospital for the Insane.<br>§ 2. Appropriates \$100,000—How drawn.<br>§ 3. Trustees—Appointment—Terms of office.<br>§ 4. Superintendent—Appointment, qualifications and duties.—Assistant physician.<br>§ 5. Site—Selection and location—Violation of provision, penalty—Report to and confirmation by Governor.<br>§ 6. Abstract of title to lands—Conveyance of title in <i>fee simple</i> to State by warranty deed requisite.<br>§ 7. Plans and specifications.<br>§ 8. Advertisement for bids. | § 9. Opening of bids—Awarding contract—Bonds.<br>§ 10. Contract with successful bidder to be secured by approved bond—Superintendent of construction—Disputes to be settled by arbitration.<br>§ 11. Contract to be signed by president, attested by the secretary.<br>§ 12. Bids to estimate cost in detail—Contract may be awarded for particular portions of work.<br>§ 13. No trustee or officer to be interested in contract—Penalty. |
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*AN ACT to establish the Illinois Western Hospital for the Insane and making an appropriation for the purchase of land and the construction of necessary buildings, and to regulate the commitment of insane persons thereto.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby established a State hospital for the care and treatment of the insane, to

be known as "The Illinois Western Hospital for the Insane." The provisions of an act entitled "An act to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875, and all general statutes governing State hospitals for the insane, their trustees, officers and employes are hereby made applicable to the Illinois Western Hospital for the Insane, its trustees, officers and employes, except as otherwise provided in this act.

§ 2. For the purchase and location of a site for said hospital and the construction of the appropriate fire-proof buildings to accommodate patients, with all necessary heating, lighting, ventilating, water supply and drainage appliances, and all necessary furniture and furnishings, and maintenance until the appropriations of the next General Assembly are available, there is hereby appropriated one hundred thousand dollars (\$100,000) to be paid as herein provided, out of any moneys in the treasury not otherwise appropriated. The moneys herein appropriated shall be paid from the State Treasury to the parties to whom they may become due on warrants of the Auditor of Public Accounts, and the Auditor of Public Accounts is hereby authorized and required to draw said warrants for moneys due under this act upon the order of the board of trustees of said hospital, accompanied by vouchers approved by the Governor, as now required by law.

§ 3. The government of said hospital shall be vested in a board of three trustees, not more than two of whom shall be from the same political party, which shall be a corporation by the name of "The Illinois Western Hospital for the Insane." Within ten days after this act shall be enforced the Governor shall appoint three persons to be trustees of said hospital, to hold office, respectively, one until the first day of March, 1897, one until the first day of March, 1899, and one until the first day of March, 1901. Their successors shall be appointed in the same manner and shall each serve for six years, so that one appointment shall be made every second year, and in every case a trustee shall hold office until his or her successor is appointed and qualified. All appointments, including the original appointments, made by the Governor when the Senate is not in session, shall be valid until an appointment is confirmed by the Senate.

§ 4. The said hospital shall be under the immediate management and control of a superintendent, to be appointed and removed by said board of trustees at pleasure, whose salary shall be fixed from time to time by said board. Said superintendent shall be a graduate in medicine and surgery from some reputable medical college and of acknowledged skill in his profession. He shall appoint all subordinate officers and employes with the assent of the board of trustees, and may discharge any subordinate for cause by a written order stating such cause, and delivered when practicable to such subordinate. It shall be the duty of the superintendent of said hospital to appoint a competent assistant physician who

is a graduate of some legally incorporated medical college, to perform such medical duties in and about the care and treatment of the insane, as such superintendent shall direct.

§ 5. Said trustees, as soon as possible after their appointment and qualification, shall select a site for said hospital in that part of the State north or west of the Illinois river, at such place as shall be best adapted to the wants of the institution, and most economical to the State, having regard in the selection to elevation, water supply, drainage, facility of access, quality of soil, and price asked for the land, but said trustees may accept on behalf of the State, any gifts in money, freights, lands or other property, as the consideration for the location of the site. A violation of this provision shall be a misdemeanor, punishable by a fine or by imprisonment or by both at the direction of any court in which conviction of the same may be obtained. Said site shall contain not less than two hundred and forty (240) acres of land, adjoining or separate. When the trustees have selected a site and agreed with the owner or owners upon a price upon which the State may purchase it, they shall report their action to the Governor, and such selection shall take effect only when confirmed by the Governor.

§ 6. Before making payment for the lands for which purpose provision is made in this act, the seller or sellers shall furnish to the trustees an abstract of title, which shall be submitted by the trustees to the Attorney General for his examination and to the Governor for his approval, and no money shall be paid for the said lands without a perfect conveyance of title in fee simple to the State of Illinois by a warranty deed.

§ 7. The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect, (for which not more than two per cent. shall be allowed, payable in installments as the work progresses), which shall be submitted to the Governor for his approval, but no plans shall be adopted by the trustees, which shall not first have been approved by the Governor and the Board of State Commissioners of Public Charities. The said plans shall be accompanied by specifications and by a detailed estimate of the amount, quality and description of all materials and labor required for the erection and full completion of the buildings according to the said plans.

§ 8. Whenever the said plans and specifications shall have been approved and adopted, the trustees shall cause to be inserted in at least one of the daily newspapers in each of the following cities, to-wit: In Chicago, St. Louis and Indianapolis, and the city or town at or near which the said institution shall be permanently located, an advertisement for sealed bids for the construction of the buildings herein authorized, and they shall furnish a printed copy of this act and of the specifications, to all parties applying therefor, and all parties interested who may desire it, shall have free and full access to the plans with the privilege of



taking notes and making memoranda. And the said trustees shall answer all questions addressed to them upon the subject of the proposed buildings or building to the best of their ability and belief.

§ 9. Not less than thirty days after the publication of the said proposals for bids, on a day and at an hour to be specified in said advertisement, at which place where the said institution shall be located, in the presence of the bidders or so many of the bidders as may be present, the bids received shall be opened for the first time, and the contract for building shall be let to the lowest and best bidder: *Provided*, that no contract shall be made and no expense incurred in any building or buildings requiring, for the completion of the same, a greater expense than is provided for the appropriation in this act: *And provided, further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of double the amount of the contract price, signed by at least three good and sufficient sureties, conditioned as a guaranty for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted.

§ 10. The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the Governor before it is accepted, conditioned for the faithful performance of his contract, and the said contract shall provide for appointment of a superintendent of construction, who shall not receive more than five dollars (\$5) per day for his services for each day actually employed, and who shall carefully and accurately measure the work done, and the materials upon the ground at least once in every month, and for the payment of the contractor upon the aforesaid measurement and for the withholding of fifteen (15) per cent. of the value of the work done and the materials on hand until the completion of the building, and for a forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for the completion in the contract, and for the full protection of all persons who may furnish labor or materials for the construction of said hospital buildings, by withholding payment from the contractor, and by paying the parties to whom any moneys are due for services or materials, as aforesaid, directly for all work done or materials furnished by them, in case of notice given to the trustees that any such party apprehends or fears that he will not receive the money due, and for the settlement of all disputed questions as to the value of alterations and extras by arbitration at the time of final settlement, as follows: One arbitrator to be chosen by the trustees, one by the contractor and one by the Governor of the State, all three of said arbitrators to be practical mechanics and builders, and for the power and privilege of the trustees,



under the contract, to order changes in the plans, at their discretion, and to refuse to accept any work which may be done not fully in accordance with the letter and spirit of the plans and specifications, and all work not accepted shall be replaced at the expense of the contractors, and for a deduction from the contract price of all alterations ordered by the trustees which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in said contract not herein above specified, as may seem to them necessary or expedient, consistent with the letter and spirit of this section. In no event shall the State be liable for a greater amount of money than is appropriated.

§ 11. The said contract shall be signed by the president of the board of trustees on behalf of the board, after a vote authorizing him so to sign shall have been entered upon the minutes of the board, and it shall be attested by the counter signature of the secretary of the board and by the seal of the institution. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the Board of State Commissioners of Public Charities.

§ 12. All bids shall show the estimate cost of the work to be done of each description in detail, and the trustees shall have the right and power, at their discretion, to accept bids for particular portions of the work if for the advantage of the State, and all measurements and accounts as the work progresses, shall show in detail the amount and character of the work for which payment is made.

§ 13. No trustee or officer of said institution shall be in any way interested in any contract for the erection of said buildings or furnishing any material for said buildings, and if any such trustee or officer shall be so interested, he shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding ten thousand dollars (\$10,000).

APPROVED May 22, 1.95.

## SOLDIERS' WIDOWS' HOME.

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| <p>§ 1. Incorporates the Solders' Widows' Home of Illinois.</p> <p>§ 2. Appropriates \$30,000 for necessary site and buildings.</p> <p>§ 3. Qualifications for membership.</p> <p>§ 4. Trustees--Appointment and qualifications.</p> <p>§ 5. Trustees--Official oaths and bonds.</p> <p>§ 6. Trustees--Election of president and Secretary.</p> <p>§ 7. Purchase of home and land, furnishing, etc.</p> | <p>§ 8. Expenditure of \$5,000 authorized for purchase of said property: of \$5,000 for maintenance and furniture for year beginning July 1, 1895, and of \$10,000 for year beginning July 1, 1896.</p> <p>§ 9. Appropriation--How drawn.</p> <p>§ 10. Appointment of matron and other officers--Salaries.</p> <p>§ 11. Public announcement that home is ready for occupancy.</p> <p>§ 12. Trustees--Monthly meetings--Actual necessary expenses allowed.</p> <p>§ 13. Trustees and officers not to be pecuniarily interested in contract--Penalty.</p> |
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AN ACT *to establish and maintain a home for the disabled mothers, wives, widows and daughters of disabled or deceased soldiers in the State of Illinois and to provide for the purchase and maintenance thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby created and established a corporation to be known as the "Soldiers' Widows' Home of Illinois," which shall possess all the corporate and other powers and be subject to all the rules, regulations and conditions expressed in an act entitled, "An act to regulate the State charitable institutions and State Reform School, and to improve their organization and to increase their efficiency." Approved April 15, 1875, so far as the same may be applicable thereto.

§ 2. For the purchase of the necessary site and buildings and to fit and furnish said buildings and to maintain said home, there is hereby appropriated the sum of twenty thousand dollars (\$20,000), or as much thereof as may be necessary, to be paid out of any money in the treasury not otherwise appropriated.

§ 3. The mothers, wives, widows and daughters of all honorably discharged soldiers or sailors who have served in the army or the navy of the United States, shall be eligible to membership in said home: *Provided*, such soldier is dead leaving them no adequate means of support, or, if living, has no adequate means of support and by means of mental or physical disability is unable to earn the same: *and, provided further*, such mother, wife, widow or daughter has no adequate means of support and by reason of mental or physical disability is unable to earn a support for herself, and has been a resident of the State of Illinois one year immediately prior to her application for membership in such home.

§ 4. Within ten days after the taking effect of this act, the Governor with the advice and consent of the Senate shall appoint five trustees of said home who shall hold their office for the period

of four years and until their successors are appointed and qualified. Two of said trustees shall be members of the Grand Army of the Republic of Illinois and of different political parties. The remaining three shall be ladies and members of the Womens' Relief Corps of this State. Said trustees shall be a body corporate and politic and shall be subject to the same rules and regulations as are the trustees of the Soldiers' and Sailors' Home of Illinois so far as the same may be applicable, and shall serve without compensation except the actual necessary expenses incurred in the performance of their duty as such trustees.

§ 5. Before entering in the duties of their office, said trustees shall take an oath of office to support the constitution and laws of the United States and of this State and for the proper performance of their official duties, and shall each give bond to the People of the State of Illinois in the sum of five thousand dollars (\$5,000), with at least two securities to be approved by the Governor of the State, conditioned for the due and faithful performance of their official duties.

§ 6. Immediately after said board has been appointed and qualified, they shall meet and elect one of their number as president and another as secretary who shall serve without additional compensation.

§ 7. After organizing as provided in the foregoing section said trustees shall enter upon the discharge of their duties, and they are hereby authorized to purchase, or receive by donation, and hold for the purpose herein specified, any house, land or other property, real estate or personal, suitable for carrying out the purposes of this trust, and shall proceed to fit up and furnish said house in a manner suitable for carrying out said purposes.

§ 8. For the purchase of such house and land, said trustees are authorized to expend five thousand dollars (\$5,000) of the money hereby appropriated and no more. And for maintenance and furnishing, for the year beginning July 1, 1895, the sum of \$5,000, and for the year beginning July 1, 1896, the sum of \$10,000.

§ 9. The money herein appropriated shall be drawn out of the treasury by said trustees in sums not to exceed five thousand dollars (\$5,000) at any one time on a warrant from the Auditor to be approved by the Governor: *Provided*, that when the first sum of five thousand dollars (\$5,000) has been drawn, no further sum can be drawn until vouchers properly abstracted (which abstract shall be approved by the Governor) have been filed with the Auditor stating that there is not to exceed the sum of five hundred dollars (\$500) of the sum previously drawn, on hand and unexpended.

§ 10. Said trustees shall appoint a matron at a salary not to exceed six hundred dollars (\$600) per annum, and such other officers as may be necessary to carry on the affairs of the said institution, fixing their salaries, and shall, together with the Governor, prescribe rules for the admission of inmates into said home.

§ 11. As soon as said home is ready for occupancy, said trustees shall inform the Governor thereof, and he shall make public announcement of the fact.

§ 12. Said trustees shall hold quarterly meetings at said home for the transaction of the necessary business thereof, and shall each be paid his or her actual necessary expenses on his or her personal certificate that the amount therein contained was actually and necessarily expended by him or her, which certificate shall be a sufficient voucher for such payment.

§ 13. No trustee or other officer of said home shall be in any way pecuniarily interested in any contract for the purchase of any building, grounds, material or supplies for said home, and any such trustee or officer becoming so interested shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not to exceed one thousand dollars (\$1,000).

APPROVED June 13, 1895.

#### COTTON STATES AND INTERNATIONAL EXPOSITION.

§ 1. Appropriates \$15,000 to erect an Illinois building on the grounds of the Cotton States and International Exposition at Atlanta, Georgia.

§ 2. Commissioners—Appointment and duties.  
—Cost of building, etc., limited to \$10,000.

§ 3. Secretary and assistants—Compensation.

§ 4. Appropriation—How drawn.

AN ACT to provide for the participation of the State of Illinois in "The Cotton States and International Exposition," to be held at Atlanta, Georgia, beginning September 18, 1895, and making an appropriation therefor.

WHEREAS, There is to be held in the city of Atlanta, Georgia, beginning September 18, 1895, and ending December 31, 1895, an exposition of the arts and industries to be known as the Cotton States and International Exposition; in which the various States of this Union, the Republics of South America and many of the governments of Europe will participate, and it is considered desirable that the great State of Illinois shall be appropriately represented at said exposition, and as there remains unexpended of the appropriation made by this State for representation at the World's Fair held at Chicago in 1893 the sum of about \$90,000, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated out of any money in the State treasury the sum of \$15,000, said sum of money to be used for the purpose of erecting a State building on the grounds of the Cotton States and International Exposition, to be held at Atlanta, Georgia, beginning September 18, 1895, and ending December 31, 1895, which State building shall be for the use and comfort of Illinois visitors to such expo-



sition, and shall be kept open at all times when the exposition is open, and used as the headquarters of the citizens of Illinois and their friends who are visiting the Fair.

§ 2. There shall be appointed by the Governor three (3) commissioners who shall have charge of the planning and construction of said building and furnishing and maintaining the same, and the cost of the construction of said building, and the furnishing and maintaining the same, is hereby limited to the sum of \$10,000 of the money appropriated aforesaid.

§ 3. Said commissioners may employ a secretary who shall act as manager of said building, and whose compensation shall not exceed the sum of \$250 per month. Said commissioners may employ such other assistants as may be necessary, and shall be entitled to have the personal expenses of the commissioners in the conduct and discharge of their duties hereunder paid out of this appropriation: *Provided*, that the expenses of said commissioners and salaries paid the secretary and assistants shall not exceed the sum of \$5,000.

§ 4. All payments hereunder shall be upon bills of particulars certified to by the commissioners and approved by the Governor, upon which the Auditor shall draw his warrant upon the State Treasurer from time to time for the sums of money so certified to, payable out of the appropriation hereby made.

APPROVED June 13, 1895.

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MARK CLARK.

§ 1. Appropriates to Mark Clark \$1,000—Damages for personal injuries.

§ 2. How drawn.

*AN ACT making an appropriation for the relief of Mark Clark.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand (1,000) dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the relief of Mark Clark as the fair and just compensation with reference to the pecuniary damages sustained by him resulting from physical injuries inflicted upon him by the explosion or blowing out of a steam valve in the Institution for the Blind at Jacksonville, Illinois, in the month of November A. D. 1894. Said injuries being permanent and rendering him paralyzed and incapable of working.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for said sum of one thousand (1,000) dollars hereby appropriated, payable to Mark Clark or his order in full satisfaction of his said damages.

APPROVED June 15, 1895.



## J. A. COWLIN.

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| § 1. Appropriates to J. A. Cowlin \$2,500—Damages for personal injuries sustained in active service. | § 2. How drawn. |
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AN ACT *making an appropriation for the relief of J. A. Cowlin.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand five hundred (2,500) dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the relief of J. A. Cowlin as a fair and just compensation with reference to an injury sustained by him while in actual service as a member of Company G of Third Regiment of Illinois State militia, at the World's Fair, on August 24, 1893, which caused the amputation of one of his legs, said injuries being permanent and rendering him incapable of working.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for said sum of two thousand five hundred (2,500) dollars hereby appropriated, payable to said J. A. Cowlin or to his order in full satisfaction of damages for said injuries.

APPROVED June 13, 1895.

## DAIRYMEN'S ASSOCIATION.

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| § 1. Appropriates \$1,000 per annum to the Illinois Dairymen's Association. | § 2. How drawn. |
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AN ACT *making an appropriation in aid of the Illinois Dairymen's Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand dollars per annum be, and the same is, hereby appropriated to aid the Illinois Dairymen's Association in compiling, publishing and distributing its reports.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified, on bills of particulars, certified to by the officials of said association, to the order of the president of said association, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

APPROVED June 13, 1895.

## FARMERS' COUNTY INSTITUTES.

§ 1. Appropriates \$50 to be paid annually to each farmers' county institute held in the State—Limitation.

§ 2. Prohibits officers of county institutes from receiving moneyed compensation for services.

§ 3. Officers to make sworn statements annually of proceedings and expenses.

§ 4. Appropriation—How drawn.

*AN ACT to amend an act entitled "An act to assist farmers in holding farmers' county institutes for educational purposes, and for developing the agricultural resources of the State, and appropriating moneys therefor." Approved June 16, 1891; in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to assist farmers in holding farmers' county institutes for educational purposes and for developing the agricultural resources of the State, and appropriating moneys therefor," approved June 16, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows:

SECTION 1. That there be and is hereby appropriated the following sums, to-wit: The sum of fifty dollars (\$50) to be paid annually to the treasurer of each farmers' county institute which shall hold annually one or more public sessions, of not less than two days each, at some easily accessible or central location in the county, and which shall be held for the purpose of developing a greater interest in the cultivation of crops, in breeding and care of domestic animals, in dairy husbandry, in horticulture, in farm drainage, in improved highways, and general farm management, through and by means of liberal discussions of these kindred subjects, and in the distribution of the papers and proceedings of such institutes. But one institute in any county shall become entitled to the benefits of this act.

§ 2. No officer or officers of any farmers' county institute shall be entitled to or receive any moneyed compensation whatever for any services rendered the same.

§ 3. The president and secretary of each farmers' county institute shall file annually with the Auditor of Public Accounts a sworn statement, in which shall appear a copy of its printed proceedings, showing the titles of papers read and by whom; as also by whom discussed and the date and dates, place or places of meeting, with the daily average attendance thereat, and also a detailed and itemized statement of all the necessary expenses incurred in arranging for and holding such meetings.

§ 4. That on the full compliance of all the requirements contained in sections two (2) and three (3) of this act, and on the order of the president, countersigned by the secretary of such farmers' county institute, the Auditor of Public Accounts shall draw his warrant upon the State Treasurer in favor of the treasurer of the farmers' county institute for the sums expended by such farmers'

county institute: *Provided, always*, that the amount to be paid any such farmers' county institute shall in no event exceed the sum of fifty dollars (\$50) annually.

APPROVED June 7, 1895.

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MRS. TRANQUILLA FREEMAN.

§ 1. Appropriates to Mrs. Tranquilla Freeman \$1,000 for services performed—How drawn.

*AN ACT to pay Mrs. Tranquilla Freeman for services performed and expenses incurred in completing the work of the office of Supreme Court Reporter from August 23, 1894, to October 24, 1894.*

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That there be appropriated to pay Tranquilla Freeman the sum of one thousand (1,000) dollars for services performed, and expenses incurred, in completing the work of the office of Supreme Court Reporter from August 23, 1894, to October 24, 1894. And the Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for said sum to be paid out of any money not otherwise appropriated.

APPROVED June 15, 1895.

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GENERAL ASSEMBLY, COMMITTEE EXPENSES.

§ 1. Appropriates \$5,000 to pay the expenses of the 39th General Assembly.	§ 2. Emergency.
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*AN ACT to make an appropriation for the payment of the expenses of the committees of the Thirty-ninth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the additional sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, be, and is hereby, appropriated to pay the expenses of the committees of the present General Assembly while in the discharge of special duties under the direction of either branch thereof, such expenses to include reasonable compensation to the sergeant-at-arms of the Senate and the doorkeeper of the House for serving the processes of the Senate and House and of the committees thereof, and to be certified and paid as may be provided by resolution of either house.

§ 2. Whereas, the funds already appropriated for the above purpose have been exhausted and the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED April 18, 1895.

## GENERAL ASSEMBLY, COMMITTEE EXPENSES.

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|---|-----------------|
| § 1. Appropriates \$5,000 to pay expenses of the committees of the 39th General Assembly. | § 2. Emergency. |
|---|-----------------|

*AN ACT to make an appropriation for the payment of the expenses of the committees of the Thirty-ninth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the additional sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, be, and is hereby, appropriated to pay the expenses of the committees of the present General Assembly while in the discharge of special duties under the direction of either branch thereof, such expenses to include reasonable compensation to the sergeant-at-arms of the Senate and the doorkeeper of the House for serving the processes of the Senate and House of Representatives and of the committees thereof, and to be certified and paid as may be provided by resolution of either house.

§ 2. Whereas, the funds already appropriated for the above purpose have been exhausted and the above appropriation is necessary for the transaction of the business of the State, therefore, an emergency exists, and this act shall take effect from and after its passage.

APPROVED June 13, 1895.

## GENERAL ASSEMBLY EMPLOYEES.

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| § 1. Appropriates \$50,000 to pay the employés of the 39th General Assembly—How drawn. | § 2. Emergency. |
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*AN ACT making appropriation for the payment of the employés of the Thirty-ninth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to pay the employés of the Thirty-ninth General Assembly, at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED January 28, 1895.



## GENERAL ASSEMBLY EMPLOYES.

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| § 1. Appropriates \$50,000 to pay the employés of the 39th General Assembly—How drawn. | § 2. Emergency. |
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*AN ACT making appropriation for the payment of the employés of the Thirty-ninth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary to pay the employés of the Thirty-ninth General Assembly at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED April 18, 1895.

## GENERAL ASSEMBLY EMPLOYES.

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| § 1. Appropriates \$10,000 to pay the employés of the 39th General Assembly. | § 2. Emergency. |
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*AN ACT making appropriations for the payment of the employés of the Thirty-ninth General Assembly.*

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary to pay the employés of the Thirty-ninth General Assembly at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists and this act shall take effect from and after its passage.

APPROVED June 14, 1895.



## GENERAL ASSEMBLY, INCIDENTAL EXPENSES.

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| <p>§ 1. Appropriates \$12,000 to pay the incidental expenses of the Thirty-ninth General Assembly.</p> <p>§ 2. How drawn.</p> | <p>§ 3. Emergency.</p> |
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*AN ACT to provide for the incidental expenses of the Thirty-ninth General Assembly of the State of Illinois, and for the care and custody of the State House and Grounds, incurred or to be incurred, and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twelve thousand dollars (\$12,000), or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Thirty-ninth General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed on him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the sum herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the sum out of any funds in the State treasury not otherwise appropriated.

§ 3. Whereas, the appropriation above recited is necessary for the expenses incurred for the transaction of the business of the State and the General Assembly, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED January 28, 1895.

## CORPORAL WILLIAM E. HENRY.

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| <p>§ 1. Appropriates to Corporal Henry \$2,500; damages for personal injuries sustained in active service.</p> | <p>§ 2. How drawn.</p> |
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*AN ACT to make an appropriation for the relief of Corporal William E Henry for injuries received while in active service with the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twenty-five hundred dollars (\$2,500) be, and the same is hereby, appropriated for the relief of William E. Henry, a corporal of Company A, Third Infantry Illinois National Guard, on account of the loss of a part of one foot, and other serious and permanent injuries received while in the discharge of his duties as a soldier during the tour of active service at Chicago, Illinois, July 6 to 26, 1894.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to issue his warrant upon the State Treasurer for the aforesaid sum of money, to said William E. Henry or his legal representatives, and the State Treasurer is hereby authorized to pay the same out of any money in the State Treasury not otherwise appropriated.

APPROVED June 13, 1895.

#### STATE HORTICULTURAL SOCIETY.

§ 1. Appropriates to the State Horticultural Society the sum of \$4,000 per annum; limits the secretary's salary to \$400 per annum, and provides that at least \$1,000 be expended each year in field experiments.

AN ACT making an appropriation in aid of the Illinois State Horticultural Society.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated for the use of the Illinois State Horticultural Society the sum of four thousand dollars (\$4,000) per annum, for the purpose of advancing the growth and development of the horticultural interests of the State, for the years 1895 and 1896, said sum to be expended by said society for the purpose and in the manner specified in "An Act to reorganize the Illinois State Horticultural Society," approved March 24, 1874: *Provided, however,* that no portion thereof shall be paid for, or on account of, any salary or emoluments of any officer of said society, except the secretary, who may receive not to exceed four hundred dollars (\$400) per annum: *And provided, further,* that at least one thousand dollars (\$1,000) of said sum be expended each year by said board in field experiments.

APPROVED May 31, 1895.

#### INSURANCE DEPARTMENT.

§ 1. Appropriates \$5,000 to the Insurance Superintendent for furnishing his office. | § 2. How drawn.

AN ACT making an appropriation for permanently furnishing the office of the Insurance Superintendent.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated to the Insurance Superintendent for the purpose of permanently furnishing his office the following sums of money, or so much thereof as may be necessary:

For furniture bought, twelve hundred dollars (\$1,200).

For new furniture, eight hundred dollars (\$800).

For vault and metal cases, two thousand dollars (\$2,000).

For safe, five hundred dollars (\$500).

For fittings, five hundred dollars (\$500).

§ 2. The moneys herein appropriated shall be payable out of the State Treasury upon bills of particulars certified to by the Insurance Superintendent and approved by the Governor.

APPROVED June 15, 1895.

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CLARENCE P. JOHNSON.

§ 1. Appropriates \$300 to Clarence P. Johnson, balance of salary as Secretary State Board of Live Stock Commissioners.

§ 2. How drawn.

AN ACT to appropriate money to pay balance of salary due C. P. Johnson as secretary of the State Board of Live Stock Commissioners for the six months ending June 30, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to Clarence P. Johnson, former secretary of the State Board of Live Stock Commissioners, the sum of two hundred dollars (\$200) being balance of salary due him as such secretary for the six months ending June 30, 1893, and awarded him by the Commission of Claims.

§ 2. The Auditor of Public Accounts shall draw his warrant in favor of said C. P. Johnson for said amount, taking from him a receipt acknowledging payment in full for said services as secretary, and the Treasurer shall pay the same out of any money in the treasury not otherwise appropriated.

APPROVED June 15, 1895.

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LABORATORY OF NATURAL HISTORY AND STATE ENTOMOLOGIST'S OFFICE.

§ 1. Appropriates to the Laboratory of Natural History, and to the State Entomologist, \$9,900.

§ 2. How drawn.

AN ACT making an appropriation for ordinary expenses of the State Laboratory of Natural History, for the improvement of the library thereof, and for the expenses of the State Entomologist's office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated to the State Laboratory of Natural History, for the field work and the office and incidental expenses, the sum of fifteen hundred (1,500) dollars per annum.

For the improvement of the library the sum of one thousand (1,000) dollars per annum.

For salaries and assistance, the sum of three thousand six hundred and fifty (3,650) dollars per annum.

For the publication of bulletins the sum of five hundred (500) dollars per annum.

For the illustration of the biennial report of the State Entomologist, the sum of two hundred and fifty (250) dollars per annum.

For the expenses of an experimental investigation of the contagious diseases of insects, the sum of fifteen hundred (1,500) dollars per annum.

For one-half the expenses of the Illinois Biological Station, the sum of fifteen hundred (1,500) dollars per annum.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasurer for the sums hereby appropriated upon the order of the president of the board of trustees of the University of Illinois, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of said sums shall be due and payable to said institution until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the institution on account of appropriations heretofore made.

APPROVED June 15, 1895.

#### MARY McLAUGHLIN, ET AL.

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| § 1. Appropriates to the persons therein named \$400, to pay award of Commission of Claims. | § 2. How drawn. |
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*AN ACT to provide for the payment of an amount found to be due and owing by the Commission of Claims from the State of Illinois to certain persons herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of four hundred dollars be and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the amount heretofore found to be due from the State of Illinois by the Commission of Claims at its session of A. D., 1892, to Mary McLaughlin, Hiram McLaughlin, Ada McLaughlin, William McLaughlin, and Darwin McLaughlin and Marquis McLaughlin.

§ 2. That the said sum hereby appropriated shall be in full satisfaction of all matters claimed by said claimants in their statement of claim, as the same is filed with the Auditor of Public Accounts and ex officio clerk of said Commission of Claims, and the Auditor shall issue his warrant on the State Treasurer for the amount herein named to said claimants, or their legal



representatives, and the State Treasurer is hereby authorized to pay the same out of any money in the State treasury not otherwise appropriated.

APPROVED June 15, 1895.

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MONUMENTS TO MARK BATTLEFIELDS AT CHICAMAUGA, LOOKOUT MOUNTAIN  
AND MISSIONARY RIDGE.

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| <p>§ 1. Appropriates \$65,400 to mark positions of Illinois troops in above battles, and to pay expenses of commissioners to locate same.</p> <p>§ 2. Authorizes commissioners to procure granite monuments and markers.</p> | <p>§ 3. Commissioners to receive actual expenses only.</p> <p>§ 4. Appropriation—How drawn.</p> |
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*AN ACT to provide for the erection of monuments to mark the positions occupied by Illinois volunteers in the battles of Chicamauga, Georgia; Lookout Mountain and Missionary Ridge, Tennessee.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of perpetuating the participation in, and marking, by appropriate monuments and markers of granite, the positions of the several commands of Illinois volunteers engaged in the battles of Chicamauga, Georgia; Lookout Mountain and Missionary Ridge, Tennessee, and the actual expenses of the commissioners appointed by virtue of an act of the Thirty-eighth General Assembly to locate the positions occupied by the volunteers aforesaid on the battlefields mentioned, the sum of sixty-five thousand four hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the State Treasury not otherwise appropriated.

§ 2. The said commissioners appointed as aforesaid are authorized and empowered to make contracts for the construction, delivery and erection upon the battlefields aforesaid, of one monument for each regiment and each battery of Illinois volunteers participating in said battles, to be made entire of granite, and appropriately inscribed, at a cost of not exceeding six hundred and twenty-five dollars for each of said monuments, complete and placed in its final position, and also to contract for the construction, delivery and erection on said battlefields of not more than one hundred granite markers, at not exceeding the sum of fifty dollars each.

§ 3. That for the service of said commissioners as set forth in section II of this act, there shall be no compensation, but they shall receive their actual expenses incurred in the premises, not exceeding in the aggregate the sum of two thousand dollars, to be paid out of said appropriations.



§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the Treasurer on the presentation of proper vouchers, certified to by the commissioners and approved by the Governor and Adjutant General, for the payment for said monuments and markers when constructed, delivered and erected in the places designated by said commissioners, and for the actual expenses of said commissioners.

One-half of said appropriation to be paid out of the taxes levied for the year 1895, and one-half to be paid out of the taxes to be levied for the year 1896.

APPROVED May 22, 1895.

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MONUMENT TO THOMAS FORD.

§ 1. Appropriates for the erection of a monument at, and the care of the grave of Thomas Ford \$1,200.

§ 2. How drawn.

AN ACT to appropriate the sum of twelve hundred (1,200) dollars for the erection of a suitable monument to the memory of Thomas Ford, and for providing for proper attentions to said grave.

WHEREAS, The grave of Thomas Ford, who served as Governor of the State of Illinois from 1842 to 1846, and who departed this life November 2, 1850, has never been appropriately marked, and lies to-day in a wholly neglected condition, and

WHEREAS, The services he rendered the State, both as its chief executive and historian, entitles his memory to be preserved and handed down to posterity; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twelve hundred (1,200) dollars be, and the same is hereby, appropriated out of any moneys not otherwise appropriated for the purpose of erecting to the memory of Thomas Ford, late Governor of this State, at the grave of the deceased, and also for securing from the authorities of the cemetery in which said grave is located the attentions provided for by the rules of said cemetery association.

§ 2. That the Governor of this State be authorized to carry the foregoing section into effect, and on his certificate of the amount expended, which shall not exceed the amount appropriated by the first section of this act, the Auditor of Public Accounts shall draw a warrant on the Treasurer for the same.

APPROVED June 15, 1895.

## MONUMENT TO FRANCIS SCOTT KEY.

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| § 1. Appropriates for a memorial stone in the monument to Francis Scott Key \$300. | § 2. How drawn. |
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*AN ACT making an appropriation to provide for the cost of a memorial stone by the State of Illinois for the Francis Scott Key monument.*

Whereas, The Key Monument Association of Frederick, Maryland, an incorporation organized for the purpose of making provision to erect a monument to the memory of Francis Scott Key, the author of the Star Spangled Banner, has embraced in the plans a design to have each state and territory of the Union, and the National Government, donate a memorial stone to the monument; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there is hereby appropriated out of any money in the State Treasury a sum not exceeding three hundred (300) dollars, said sum of money to be used in the preparation of a memorial stone of such dimensions as the Key Monument Association may elect, and that the State Geologist be empowered to select from the native stone of Illinois a stone suitable for the purpose, and that all work necessary to prepare the stone be under his supervision and direction.

§ 2. The Auditor shall draw his warrant upon the State Treasurer for as much thereof of the sum appropriated by section 1 of this act as may be necessary to complete the work, when certified to by the State Geologist and approved by the Governor.

APPROVED June 15, 1895.

## LINCOLN MONUMENT.

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| § 1. Conveyance of Lincoln Monument, grounds and appurtenances to State accepted—Governor, Superintendent of Public Instruction and Treasurer constituted Board of Commissioners.—Custodian. | § 3. Dwelling for custodian to be erected—Cost limited to \$2,500.                   |
| § 2. Custodian to accept no gift or fee for admittance, and to sell no relics, trophies, etc.—Leaflet to be distributed.   | § 4. Appropriates \$4,500 to carry act into effect and \$30,000 for contingent fund. |
|  | § 5. Contingent fund to be available July 1, 1896.                                   |
|  | § 6. Appropriation—How drawn.  |

*AN ACT accepting the conveyance of the Lincoln Monument and grounds, and to provide for the care and custody of the same, and to make an appropriation for a dwelling house for the custodian, and to pay the custodian and preserve the monument.*

WHEREAS, The Lincoln Monument Association, a corporation organized under the laws of the State, having title to about nine acres of land situated in Oak Ridge Cemetery, near the city of Springfield, Illinois, in which said plat of land is deposited the remains of Abraham Lincoln, his wife and other members of his family, and

WHEREAS, said Monument Association have erected over said remains a monument dedicated to the memory of Abraham Lincoln, and have maintained the same for several years, and,

WHEREAS, said Lincoln Monument Association is now desirous of transferring by deed all of its right, title and interest in and to said nine acres of land, the monument erected thereon, and all the appurtenances appertaining thereto, to the State of Illinois in trust, upon the conditions that the State of Illinois will preserve, maintain and superintend the said grounds and monument in a suitable manner, complying with the now existing agreement between the said Monument Association and Robert Lincoln, the surviving son of Abraham Lincoln; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State of Illinois accept the conveyance of said land with its appurtenances, in trust, as provided in said deed of conveyance, and that the Governor of the State of Illinois, Superintendent of Public Instruction and State Treasurer and their successors in office, be and they are hereby constituted a board of commissioners of and for the Lincoln Monument grounds, and that immediately after the taking effect of this act, the said commissioners shall appoint a custodian for said monument and grounds, who shall be an ex-Union Illinois soldier so long as a suitable one can be obtained, and after that the son of an ex-Union soldier, and the commission shall prescribe his duties and fix rules and regulations to govern him in the discharge of the same.

§ 2. The said commissioners shall not permit the custodian or any other person to accept any gift for his services or to charge any admittance fee to said grounds or monument, or to sell or offer for sale any relics, trophies, photographs or any other article or thing upon said grounds or in or about said monument. They shall prepare for gratuitous distribution a small leaflet giving the date of the birth and death of Abraham Lincoln, with a brief statement of the most important events of his life and the cause of his death. Also the size and height of the monument and the cost of the same.

§ 3. The said commission shall cause to be erected at a suitable place upon said grounds, a dwelling house for the custodian to reside in, at a cost not to exceed twenty-five hundred (2,500) dollars, the front room of which dwelling shall be especially prepared and furnished and kept as a waiting room for visitors to the monument.

§ 4. For the purpose of enabling the commissioners to carry into effect this act for the next two (2) years, beginning July 1, 1895, the sum of twenty-five hundred (2,500) dollars or so much thereof as may be necessary, is hereby appropriated for the purpose of the erection of said dwelling house. For the payment of the person appointed as custodian of said grounds and monument for two years beginning July 1, 1895, the sum of two thousand

(2,000) dollars is hereby appropriated, the same to be paid in monthly installments of eighty-three dollars and thirty-three and one-third cents ( $\$83.33\frac{1}{3}$ ) per month, and the sum of thirty-thousand (30,000) dollars is hereby appropriated as a contingent fund to be used by the commission as necessity may require in preserving, repairing and beautifying said grounds and monument and approaches thereto.

§ 5. The appropriation of thirty thousand (30,000) dollars herein provided for shall be available July 1, 1896, and to [be] paid out of the tax levy for the year 1895.

§ 6. The Auditor of Public Accounts is hereby authorized to issue warrants for above amounts upon vouchers properly attested by said commissioners, signed by the Governor in his official capacity, and to be paid as herein provided.

This bill, having remained with the Governor for the period of ten days, Sundays excepted, after having been presented to him, and he having neither approved the same, nor returned it with his objections thereto, to the House in which it originated, and the General Assembly being in session, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

#### MONUMENT TO ELIJAH P. LOVEJOY.

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| § 1. Appropriates \$25,000 to erect a monument at Alton to Elijah P. Lovejoy. | § 2. How drawn. Appropriation available July 1, 1896. |
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*AN ACT for an appropriation for a monument at Alton to the memory of Elijah P. Lovejoy.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and there is hereby, appropriated out of the funds now in the State Treasury the sum of twenty-five thousand dollars (\$25,000) for the purpose of defraying the expenses of erecting in the city of Alton a suitable monument to the memory of the martyr, Elijah P. Lovejoy.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants upon the Treasurer for the aforesaid sum of money upon the order of the Lovejoy Monument Association, signed by the president and attested by the secretary and approved by the Governor. No part of this appropriation shall be available until July 1, 1896.

APPROVED June 17, 1895.



## NATIONAL GUARD.

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| § 1. Appropriates \$254,721.94 to pay the expenses of the Illinois National Guard, while in actual duty during the year 1894.<br><br>§ 2. Appropriates \$62,000 to uniform and equip the Illinois National Guard. | § 3. How drawn.<br>§ 4. Emergency. |
|---|------------------------------------|

*AN ACT making appropriations for the payment of the expenses of the Illinois National Guard while on active duty during the year 1894, for the ordinary and contingent expenses of the same to June 30, 1895, and to uniform and equip the Illinois National Guard.*

SECTION I. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two hundred and fifty-four thousand, seven hundred and twenty-one dollars and ninety-four cents (\$254,721.94), or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the Illinois National Guard while on active duty during the year 1894. The pay-rolls for said duty to be paid to the assignees thereof, with interest at the rate of six per cent. per annum from the date of assignment until paid.

§ 2. The sum of sixty-two thousand dollars (\$62,000), or so much thereof as may be necessary, is hereby appropriated to uniform and equip the Illinois National Guard.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants on the Treasurer for the sums herein specified, upon the presentation of proper vouchers certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the proper fund.

§ 4. Whereas, the above expenses of the Illinois National Guard incurred during said active service are past due, and whereas, more than one hundred and five thousand dollars has been paid out of the ordinary appropriation for the current two years on account of said active service, which would otherwise have been applied to the payment of current expenses and to uniforming and equipping the National Guard, therefore, an emergency exists, and this act shall be in force from and after its passage: *Provided*, the sum of sixty-two thousand dollars (\$62,000), above appropriated to uniform and equip the Illinois National Guard, shall not be payable as hereinbefore provided until on or after July 1, 1895.

APPROVED April 8, 1895.



## NATIONAL GUARD.

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| § 1. Appropriates to the National Guard<br>\$180,000 per annum, for ordinary and<br>contingent expenses. | § 2. Appropriates \$30,000 to defray expenses<br>to July 1, 1895.<br><br>§ 3. How drawn. |
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*AN ACT to provide for the ordinary and contingent expenses of the Illinois National Guard, and the improvement and repair of the rifle ranges of the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and eighty thousand dollars (\$180,000) per annum, or so much thereof as may be necessary, is hereby appropriated to pay the ordinary and contingent expenses of the Illinois National Guard, and for the improvement and repair of the rifle ranges for the Illinois National Guard.

§ 2. And that the sum of thirty thousand dollars (\$30,000) be, and the same is, hereby appropriated to pay the expenses of the Illinois National Guard to July 1, 1895.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified upon the presentation of proper vouchers certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the proper fund.

APPROVED June 17, 1895.

## PAVING STREETS IN SPRINGFIELD.

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| § 1. Secretary of State to procure repairment<br>of certain streets adjoining State prop-<br>erty in Springfield. | § 3. Auditor to pay \$288.60 to reimburse the<br>city of Springfield for paving at State<br>Arsenal. |
| § 2. Appropriates \$10,000—How drawn—Con-<br>dition.  | § 4. Advertisement for bids—Letting con-<br>tracts—Bonds.  |

*AN ACT to newly pave and curb portions of certain streets adjoining the property of the State in the city of Springfield, and to reimburse the city of Springfield the sum of \$288.60 for paving Fifth street in said city, opposite the State Arsenal.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Secretary of State is hereby authorized and instructed to procure the re-pavement of one-half of Monroe street, adjacent to the capitol grounds, and all of Monroe street as far as the State owns the ground on both sides thereof; one-half of Second street, in front of the capitol grounds on the east; one-half of Spring street in front of the capitol grounds on the west, and the one-half of Charles street in front

of the capitol grounds on the south, and that he also cause to be put down stone curbing and a stone sidewalk on the north side of said Charles street, along the south side of said capitol grounds. And that he also cause one-half of Fourth street on the west front of the executive mansion grounds, and one-half of Jackson street on the north front of said grounds, and one-half of Fifth street on the east front of said grounds, and one-half of Edwards street on the south side of said grounds, to be re-paved. All of said pavement to be of the best quality of street paving brick, such as is now, and heretofore has been, used by the city of Springfield, in paving its streets.

§ 2. The sum of eight thousand dollars is hereby appropriated for the purposes mentioned in the first section of this act, or so much thereof as may be necessary, and the Auditor of Public Accounts is hereby required to draw his warrant upon the Treasurer, payable out of this appropriation, upon vouchers presented and approved by the Secretary of State: *Provided, however,* that this appropriation is upon the condition that the city of Springfield shall cause to be paved the remaining one-half of the said several streets in front of the capitol and executive mansion grounds, hereinbefore described, which shall be done simultaneously with the work required by the Secretary of State to be done.

§ 3. The Auditor is hereby authorized and directed to pay to the city of Springfield the sum of two hundred and eighty-eight and sixty one-hundredths dollars (\$288.60), the amount paid by said city for paving the east side of Fifth street, in front of the State Arsenal, and that he be required to take a voucher from said city, for said amount.

§ 4. The Secretary of State shall let the work provided for in this act to the lowest responsible bidder or bidders, after advertising said work by publication, at least twenty days, in one daily paper in the city of Chicago, and one daily paper in the city of Springfield, and he shall have the power to reject any and all bids, and shall require bonds to accompany each bid in such sum as he may think proper, for the faithful performance of the contract.

APPROVED June 7, 1895.

## PENITENTIARIES—CONVEYANCE OF CONVICTS.

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| <p>§ 1. Enacting clause.</p> <p>§ 2. Appropriates \$7,500 for conveying convicts to penitentiary, etc.</p> <p>§ 3. Appropriates \$20,000 for conveying juvenile offenders to the State Reformatory.</p> | <p>§4. Appropriates \$1,000 for conveying juvenile female offenders to the State Home—Emergency.</p> |
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*AN ACT making appropriations for conveying convicts to the penitentiary, and from and to the penitentiary in case of new trial or to be used as witnesses in criminal cases, and for conveying juvenile offenders to the State Reformatory, at Pontiac, and juvenile female offenders to the State Home for Juvenile Female Offenders, and declaring an emergency.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts be and are hereby appropriated for the purposes hereinafter named:

§ 2. The sum of seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, for conveying convicts to the penitentiary, and from and to the penitentiary in case of [a] new trial or when used as witnesses in criminal trials, to be paid on the warden's certificate of delivery, at the compensation fixed by the general laws, the Auditor to compute the distance by the nearest railroad route.

§ 3. The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, for conveying juvenile offenders to the State Reformatory, at Pontiac, payable on the superintendent's certificate of delivery at the rate of compensation allowed by law, the Auditor to compute the distance by the nearest railroad route.

§ 4. The sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for conveying juvenile female offenders to the State Home for Juvenile Female Offenders, payable on the superintendent's certificate of delivery, at the rate of compensation allowed by law for conveying juvenile offenders to the State Reformatory, the Auditor to compute the distance by the nearest railroad route.

Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED June 13, 1895.

## PENITENTIARIES—JOLIET.

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| <p>§ 1. Enacting clause.</p> <p>§ 2. Appropriates \$100,000 for contingent expenses for two years.</p> <p>§ 3. Appropriates \$25,000 per annum for repairs.</p> | <p>§ 4. Appropriates \$105,000 for building and improvements.</p> <p>§ 5: How drawn.</p> |
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AN ACT *making appropriations for the Illinois State Penitentiary, at Joliet for the two years beginning July 1, 1895, and ending July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and the same are hereby, appropriated for the purposes herein-after named and none other, and payable only according to law:

§ 2. To the Illinois State Penitentiary, at Joliet, for contingent expenses for two years, the sum of one hundred thousand (100,000) dollars: *Provided*, that no part of this appropriation shall be used in starting new industries or in purchasing machinery for new industries in the penitentiary: *And, provided, further*, that fifty thousand (50,000) dollars of the sum hereby appropriated may be used in purchasing raw material that may be needed to operate the present industries.

§ 3. For painting, relaying floors, repairing and repainting wall, roofs, rebuilding steam and water pipes, engines, boilers and machinery, and making such other repairs as may be required, the sum of twenty-five thousand (25,000) dollars per annum.

§ 4. For an artesian well the sum of five thousand (5,000) dollars. For a new hospital building and necessary fixtures, furniture and appliances, the sum of twenty-five thousand (25,000) dollars. For the construction of a suitable building and walls around the same for the use of female convicts, the sum of seventy-five thousand (75,000) dollars.

§ 5. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys hereinbefore appropriated, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of said institution attached, and approved by the Governor.

APPROVED June 24, 1895.

## PENITENTIARIES, SOUTHERN.

§ 1. Enacting clause.

§ 3. How drawn.

§ 2. Appropriates for ordinary expenses, etc.  
 \$50,250, and for contingent expenses, re-  
 pairs, improvements, etc., \$55,200.

*AN ACT making appropriations for the State Penitentiary at Chester, Illinois, for the two years beginning July 1, 1895, and ending July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following be, and the same are hereby, appropriated for the purposes hereinafter named and none other, and payable only according to law:

§ 2. For the ordinary running expenses for said penitentiary fifty thousand (50,000) dollars per annum. For contingent expenses, ten thousand (10,000) dollars.

For repairs and furnishing, five thousand (5,000) dollars.

For a pump and fixtures, one thousand five hundred (1,500) dollars.

For maintaining library, two hundred and fifty (250) dollars per annum.

For knitting machine and fixtures, twenty-five hundred (2,500) dollars, for additional machinery for the knitting factory.

For dust extractor and heater for pearl button factory, seventeen hundred (1,700) dollars.

For material and construction of four additional brick kilns, fifteen thousand (15,000) dollars.

For materials and construction of tramway and clay sheds for removing clay from the clay fields to the clay sheds, two thousand (2,000) dollars.

For necessary materials and construction for building stone wall around the prison 24 feet high, fifteen thousand (15,000) dollars.

For excavating and removing earth and useless stones from the penitentiary yard so that wall may be erected, twenty-five hundred (2,500) dollars.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the moneys hereinbefore appropriated, upon the order of the Board of Commissioners of said penitentiary, signed by the president and attested by the secretary with the seal of said institution thereto attached, and approved by the Governor.

APPROVED June 15, 1895.



## STATE REFORMATORY.

§ 1. Enacting clause.

§ 2. Appropriates for ordinary expenses, general repairs and improvements, library, etc., \$134,500—For discharge and parole of prisoners, building, equipment, etc., \$184,000.

§ 3. How drawn.

AN ACT *making appropriations for the Illinois State Reformatory, at Pontiac, for the two years beginning July 1, 1895, and ending July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be, and the same are hereby, appropriated for the purpose hereinafter named and none other, and payable only according to law:

§ 2. For ordinary expenses of said reformatory, one hundred and thirty thousand (130,000) dollars per annum.

For discharge and parole of prisoners for first year, twelve thousand five hundred (12,500) dollars.

For second year, fifteen thousand (15,000) dollars.

For school books, maps and charts, one thousand five hundred (1,500) dollars.

For team, wagons and farm implements, one thousand five hundred (1,500) dollars.

For stand pipe and connection, five thousand (5,000) dollars.

For necessary addition to new cell house, including inmates' dining-room, kitchen, bakery, laundry, flour room and cold storage room, one hundred thousand (100,000) dollars.

For completion of power house, including engine and dynamo room, seven thousand (7,000) dollars.

For one improved water tube boiler of two hundred horse power, with improved furnace, and cost of setting and connections, four thousand five hundred (4,500) dollars.

For additional engines, dynamo and arc light service, ten thousand (10,000) dollars.

For maintenance and repairs of electric light service, fifteen hundred (1,500) dollars per annum.

For additional beds, bedding, furniture, etc., three thousand (3,000) dollars.

For equipment and maintenance of trade schools, fifteen thousand (15,000) dollars.

For material to be used in trade instruction, five thousand (5,000) dollars per annum.

For additional cooking, bakery and laundry machinery and appliances, two thousand five hundred (2,500) dollars.

For general repairs and improvements, four thousand (4,000) dollars per annum. For library, five hundred (500) dollars per annum:

*Provided*, that no part of the foregoing appropriation shall be used to sink or operate a coal shaft.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for the moneys hereinbefore appropriated upon the order of the board of commissioners of said reformatory institution signed by the president and attested by the secretary with the seal of said institution attached, and approved by the Governor.

APPROVED, June 15, 1895.

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STATE REFORMATORY.

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|---|-----------------|
| § 1. Appropriates \$56,128 50 to meet expenses<br>from February 15 to July 1, 1895. | § 3. Emergency. |
| § 2. How drawn.   |                 |

*AN ACT to make an appropriation for the expenses of the Illinois State Reformatory.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifty-six thousand one hundred and twenty-eight dollars and fifty cents (\$56,128.50), be and the same is hereby appropriated to the Illinois State Reformatory to meet the expenses of said reformatory from the fifteenth day of February to the first day of July, 1895.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant upon the State Treasurer for the moneys hereby appropriated upon the order of the board of managers of the said reformatory, signed by the president and attested by the secretary, with the seal of said institution thereto attached.

§ 3. Whereas, the amount hereby appropriated was expended out of moneys heretofore appropriated for the ordinary and contingent expenses of said reformatory, and necessarily used for the completion of the new cell house and power house of said reformatory, so that the same could be occupied; also, for necessary repairs to the old buildings, so as to make them habitable; also, for establishing common schools and trade schools for the inmates; therefore, an emergency exists, and this act shall be in force from and after its passage.

APPROVED, May 11, 1895.

## JOHN SCANLAN.

§ 1. Appropriates to John Scanlan \$750, damages for personal injuries sustained while in the line of duty—How drawn.

*AN ACT to pay John Scanlan for injuries sustained while in the line of duty as a member of the Illinois National Guard.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of seven hundred and fifty dollars is hereby appropriated to pay an award made by the commission of claims in favor of John Scanlan, who, while in the line of his duty, attending company drill as a soldier of Company "H," Seventh Regiment, Illinois National Guard, on the night of October 3, 1893, fell down an open elevator shaft, in a dark hall, at the armory of said regiment, at number 23 Lake street, Chicago, and thereby received serious and permanent bodily injuries. The Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for the money hereby appropriated.

APPROVED June 15, 1895.

## STATE GOVERNMENT.

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| <p>§ 1. Appropriates for the ordinary and contingent expenses of the State Government, \$1,408,325 per annum, and \$104,829.27 special, as follows:</p> <ol style="list-style-type: none"> <li>1. To the Governor, to be used as a contingent fund, \$2,000 per annum.</li> <li>2. To the Governor, for private secretary, executive and pardon clerks, and stenographer, \$6,000 per annum.</li> <li>3. To the Governor, for postage, office expenses, etc., \$1,500 per annum.</li> <li>4. To the Governor, for porter, \$700 per annum.</li> <li>5. To the Governor, for repairs and care of executive mansion, \$3,000 per annum.</li> <li>6. To the Secretary of State, for clerk hire, stenographers, janitors, policemen, watchmen, etc., \$30,640 per annum, for repairs, postage, office expenses, etc., \$3,000 per annum; for care and custody of State House grounds, \$12,500 per annum; and for fire protection, \$6,000.</li> <li>7. For heating, fuel, pay of engineers and firemen, of the State House, \$15,000 per annum.</li> </ol> | <ol style="list-style-type: none"> <li>8. For lighting the State House, \$4,000 per annum.</li> <li>9. To the Secretary of State, for the State Library, and salary of assistant librarian, \$2,500 per annum.</li> <li>10. For paper and stationery, \$13,000 per annum.</li> <li>11. For public printing, \$50,000; for public binding, \$8,000 per annum.</li> <li>12. For copying as per contract, \$600; for distributing State documents, \$500; for expressage and postage on same, \$1,200 per annum.</li> <li>13. For the purchase of Supreme Court reports, estimated, \$8,000.</li> <li>14. For the purchase of flags, \$600.</li> <li>15. To the Auditor, for clerk hire, stenographer, janitors and messengers, \$12,900 per annum; for the banking department, the fees received.</li> <li>16. For conveying female offenders to the State Home, \$1,000 per annum.</li> <li>17. For costs of State suits, \$500 per annum.</li> <li>18. For conveying convicts to penitentiary, \$30,000 per annum.</li> </ol> |
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19. For the apprehension and delivery of fugitives from justice, \$8,000 per annum; for rewards for the arrest of criminals, \$3,000.
20. For conveying offenders to the State Reformatory, \$15,000 per annum.
21. For the expenses of the State Board of Equalization, \$8,000 per annum.
22. To the State Treasurer, for clerk hire, watchmen, messenger, and incidental expenses of office, \$12,500 per annum.
23. To refund taxes paid in error, such sum as may be necessary.
24. To the Superintendent of Public Instruction, for clerk hire, stenographer, janitor, porter and messenger, and incidental office expenses, \$5,600 per annum.
25. To pay the interest on school fund, \$57,000 per annum.
26. For the State school fund, \$1,000,000 per annum.
27. To the Attorney General, for salary of assistants, clerk hire, stenographer, porter and messenger, and incidental office expenses, \$8,400 per annum; for legal and other expenses, incident to the discharge of certain duties, \$9,000 per annum.
28. To the Adjutant General, for salary of assistants, clerk hire, stenographer, messenger, incidental office expenses, etc., \$8,850 per annum.
29. To the Board of Public Charities, for secretary's salary, clerk hire, etc., \$7,000 per annum.
30. To the Supreme Court, for incidental expenses, repairs, furniture, libraries and librarians, janitors, etc., \$8,950 per annum, and \$500 special. To the Appellate Courts, for incidental and contingent expenses, librarians, janitors, etc., \$15,200 per annum, and \$1,000 special.
31. To the State Museum of Natural History, for salaries of curator and assistant, janitor, contingent and necessary expenses, \$4,700 per annum.
32. To the Railroad and Warehouse Commission, for salaries of secretary, civil engineer, clerk hire, office expenses, printing schedules, maps, litigation, etc., \$12,200 per annum, and \$1,500 special.
33. To the Commissioners Labor Statistics, for procuring statistics, salary of secretary, incidental expenses, etc., \$10,500 per annum.
34. To the Board of Live Stock Commissioners, for secretary's salary, necessary expenses, stock yards agents, State and assistant veterinarians, janitors, etc., \$17,020 per annum, also for contingent fund \$20,000 special.
35. To the Fish Commissioners, to be used in pursuance of law, \$7,500 per annum, and for personal, traveling and other expenses, \$2,500 per annum.
36. To the State Board of Health, for salary of secretary, clerk hire, and necessary and incidental expenses, \$9,000 per annum, and \$10,000 special as a contingent fund.
37. To the Lieutenant Governor, for postage, \$50 per annum.
38. To the 40th General Assembly, for committee expenses, \$1,000.
39. To the Superintendent of Insurance, for clerk hire, office expenses, examinations, printing, etc., \$20,345 per annum, and \$1,180 special.
40. Superintendent of Insurance to make semi-annual reports of amounts collected by him, and cover same into State Treasury.
41. To the trustees of the Lincoln Homestead, for salary of custodian, repairs, etc., \$750 per annum.
42. To the State Historical Society, for maintenance of library and salary of librarian, \$1,600 per annum.
43. To the State Factory Inspectors for salaries of selves and deputies, and other expenses, \$14,000 per annum.
44. To the State Board of Examiners, for Mine Inspectors and Managers, for per diem and expenses, \$1,500 per annum.
45. To the Supreme Court Reporter, for messenger and janitor, \$720 per annum.
46. To the persons therein named for expenses as Inspectors of Coal Mines, \$2,986.27 special; for expenses of State Mine Inspectors to July 1, 1895, \$1,000 special.
47. For repairs of canal at Copperas Creek dam, \$2,000.
- 47½. To the persons therein named, for services rendered, \$50.80.
48. To the persons therein named, for services rendered, \$2,912.20.
49. How drawn.



AN ACT to provide for the ordinary and contingent expenses of the State government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, be and are hereby appropriated to meet the ordinary and contingent expenses of the State Government until the expiration of the first fiscal quarter after the adjournment of the General Assembly:

First—A sum not exceeding \$2,000 per annum shall be subject to the order of the Governor for defraying such public expenses of the State Government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made from time to time upon bills of particulars, certified to by the Governor.

Second—The sum of \$6,000 per annum, for private secretary to the Governor, for the performance of such official duties of the Governor as may be required of him, and for executive clerk, pardon clerk and stenographer, payable monthly as hereinafter provided.

Third—A sum not to exceed \$1,500 per annum for postage, expressage, telegraphing, furniture, furnishing and other incidental expenses connected with the Governor's office, to be paid upon bills of particulars, certified to by the Governor.

Fourth—To the Governor, for one porter, the sum of \$700 per annum, payable monthly.

Fifth—To the Governor, for repairs and the care of the executive mansion and grounds, and for heating and lighting the executive mansion, \$3,000 per annum, to be paid on bills of particulars, certified to by the Governor.

Sixth—To the Secretary of State, for clerk hire in his office, the following sums: For chief clerk, \$2,400 per annum; for chief corporation clerk, \$2,000 per annum; for one corporation clerk, \$1,800 per annum; for one corporation clerk, \$1,100 per annum; for one corporation clerk, \$720 per annum; for one executive clerk, \$1,500 per annum; for one index clerk, \$2,000 per annum; for one assistant index clerk, \$1,200 per annum; for one anti-trust clerk, \$1,200 per annum; for two anti-trust clerks, \$1,000 each per annum; for one anti-trust clerk, \$720 per annum; for one shipping clerk, \$1,100 per annum; for one shipping clerk, \$1,000 per annum; for one shipping clerk and janitor, \$1,000 per annum, and for extra clerical services, \$1,500 per annum; for stenographers and typewriters, \$2,000 per annum; for two porters and messengers, \$700 each per annum, all payable upon monthly pay-rolls certified to by the Secretary of State; and for laborers, janitors, policemen and watchmen of the State House, who shall perform such duties



as shall be assigned to them by the Secretary of State, the sum of \$6,000 per annum, all payable upon monthly pay-rolls duly certified to by the Secretary of State. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of his office, a sum not exceeding \$3,000 per annum; and for the payment of all necessary incidental expenses incurred by the Secretary of State, in the care and custody of the State House and grounds and other State property and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of \$12,500 per annum, all payable upon bills of particulars certified to by the Secretary of State and approved by the Governor. To the Secretary of State, the sum of six thousand (6,000) dollars for the purpose of purchasing and placing standpipes, hose, fire extinguishers and other necessary apparatus for the protection of the State Capitol from fire, to be paid upon bills of particulars certified to by the Secretary of State.

Seventh—For heating, fuel and pay of engineers and firemen, of the State House, and other incidental expenses thereof, the sum of \$15,000 per annum, or so much thereof as may be needed, to be paid upon bills of particulars, certified to by the Secretary of State and approved by the Governor.

Eighth—For lighting the State House and other incidental expenses thereof, the sum of \$4,000 per annum, or so much thereof as may be necessary, to be paid on bills of particulars, certified to by the Secretary of State and approved by the Governor.

Ninth—To the Secretary of State, for the purchase of books and for the incidental expenses of the State Library, the sum of \$1,500 per annum, payable on bills of particulars certified to by the Board of Commissioners of the State Library. For salary of assistant librarian, the sum of \$1,000 per annum, payable monthly.

Tenth—For the purchase on contract as required by law, and other necessary expenses connected therewith, of printing paper and stationery for the use of the General Assembly and the executive departments, the sum of \$13,000 per annum, payable on bills of particulars certified to by the Board of Commissioners of State Contracts, and approved by the Governor.

Eleventh—For public printing, the sum of \$50,000, or so much thereof as may be required. For public binding, \$8,000 per annum, or so much as may be required. The public printing and binding to be paid according to contract, upon the certificate of the Board of Commissioners of State Contracts, and approved by the Governor.

Twelfth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, \$600. For distribution of laws, journals and other State documents, and incidental expenses connected therewith, the sum of \$500, and for expressage and postage on same, \$1,200 per annum, payable as provided by law.

Thirteenth—Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is, or may be by law required to purchase, to be paid on bills of particulars, certified to by the Secretary of State and approved by the Governor.

Fourteenth—To the Secretary of State for the purchase of flags for the dome of the Capitol building for two years, the sum of \$600, to be paid on bills of particulars certified to by the Secretary of State and approved by the Governor.

Fifteenth—To the Auditor of Public Accounts, for necessary clerk hire in his office, the following sums: for chief clerk, \$2,400 per annum; for revenue clerk, \$1,800 per annum; for warrant clerk, \$1,800 per annum; for stenographer and typewriter, \$1,000 per annum; for two janitors and messengers, \$700 each per annum, and for additional clerk hire, the sum of \$1,500 per annum; for a land clerk, the sum of \$1,500 per annum, payable on bills of particulars certified to by the Auditor of Public Accounts. To the Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other incidental expenses incurred in the discharge of his duties, a sum not to exceed \$1,500 per annum, payable on bills of particulars, certified to by the Auditor, and approved by the Governor. To the Auditor of Public Accounts, for the purpose of paying for the clerical service incidental to the banking department, a sum not to exceed the fees received by him for preliminary examinations, and for filing reports from such bank, and building and loan associations, as now provided by law.

Sixteenth—A sum not to exceed \$1,000 per annum, or so much thereof as may be needed, for conveying female offenders to the State Home for Juvenile Female Offenders, to be ascertained and paid in the same manner as for conveying prisoners to the penitentiary.

Seventeenth—A sum not exceeding \$500 per annum, or so much thereof as may be necessary for costs and expenses of state suits to be paid on bills of particulars, certified to by the Auditor and approved by the Governor.

Eighteenth—A sum not exceeding \$20,000 per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary, and from and to the penitentiary in cases of new trials, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law.

Nineteenth—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, \$8,000 per annum, or so much thereof as may be necessary, to be paid on the evidence required by law, certified to and approved by the Governor; and the sum of \$3,000 for rewards for arrests of fugitives from justice, to be paid on bills of particulars having the order of the Governor endorsed thereon.

Twentieth—The sum of \$15,000 per annum, or so much thereof as may be necessary, for conveying offenders to the State Reformatory at Pontiac, to be ascertained and paid in the same manner as in cases of conveying prisoners to the penitentiary.

Twenty-first—To the State Board of Equalization, for paying expenses, a sum not exceeding \$8,000 per annum, payable in the manner provided by law.

Twenty-second—To the State Treasurer, for clerk hire, the sum of \$7,500 per annum; the sum of \$3,200 per annum for two night and two day watchmen, and the sum of \$800 per annum for messenger and clerk, all payable on monthly pay-rolls, duly certified to by the Treasurer; to the State Treasurer, for repairs, express charges, postage, telegraphing and other necessary incidental expenses connected with his office, a sum not to exceed \$1,000 per annum, payable on bills of particulars, certified to by him and approved by the Governor.

Twenty-third—Such sums as may be necessary to refund the taxes on real estate sold or paid on error, and for over-payment of collectors' accounts under laws governing such cases, to be paid out of proper funds.

Twenty-fourth—To the Superintendent of Public Instruction, the following sums are hereby appropriated: For Assistant Superintendent and clerk hire, \$2,400 per annum, and for stenographer and typewriter \$1,000 per annum, and for janitor, porter and messenger services the sum of \$700 per annum, all payable on monthly pay-rolls, duly certified to by the Superintendent of Public Instruction; to the Superintendent of Public Instruction, for postage and state examinations and other necessary expenses of said office, a sum not exceeding \$1,500 per annum, payable on bills of particulars, certified to by him and approved by the Governor; appropriations made by this clause to be paid out of the State school funds.

Twenty-fifth—The sum of \$57,000 per annum, or so much thereof as may be necessary, to pay the interest on school funds, distributed annually in pursuance of law, said amount to be payable from the State school funds.

Twenty-sixth—The sum of \$1,000,000 annually out of the State school fund to pay the amount of the Auditor's orders for the distribution of said fund to the several counties, and for the payment of the salaries and expenses of county superintendents of schools as now provided by law. The Auditor shall issue his warrant to the State Treasurer on the proper evidence that the amount distributed has been paid to the county school superintendents.

Twenty-seventh—To the Attorney-General for an assistant, the sum of \$2,500 per annum; for a second assistant the sum of \$1,800 per annum; for a stenographer, who shall act as clerk, the sum of \$1,400 per annum, and for a porter and messenger, the

sum of \$700 per annum, payable on bills of particulars duly certified to by the Attorney-General. To the Attorney-General, for telegraphing, postage and other necessary expenses incurred in the discharge of the duties of his office, a sum not to exceed \$2,000 per annum; for legal and other incidental expenses incident to the discharge of his duties in relation to the Building Loan and Homestead Associations, a sum not to exceed \$3,000 per annum; for the legal and other expenses incident to the performance of his duties in relation to the insurance laws, a sum not to exceed \$6,000 per annum, payable on bills certified to by him and approved by the Governor.

Twenty-eighth—To the Adjutant General, for clerk hire in his office, the following sums: for Assistant Adjutant General, \$1,800 per annum; for military clerk, \$1,200 per annum; for record clerk, \$750 per annum: *Provided*, that in the employment of clerks and assistants in the Adjutant General's office, preference shall be given to Union soldiers, their widows and orphans; also the sum of \$1,000 per annum for postage, telegraphing, repairs and other incidental expenses connected with Memorial Hall and his office. Also for custodian of Memorial Hall, \$700 per annum; for stenographer and typewriter, \$1,000 per annum; for Acting Assistant Quartermaster General, \$1,200 per annum; for Sergeant at Arsenal, \$600 per annum, and for messenger, \$600 per annum, all payable upon monthly payrolls or bills of particulars, duly certified to by the Adjutant General and approved by the Governor.

Twenty-ninth—To the Board of Public Charities, for salary of secretary, the sum of \$3,000 per annum; for clerk hire and necessary incidental expenses of the board, a sum not to exceed \$4,000 per annum.

Thirtieth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Court, to-wit: For stationery, repairs, furniture, expressage, printing and law books, to be purchased under the direction of the court, and other expenses deemed necessary by the court the following sums: To the Northern Grand Division, the sum of \$2,250 per annum, and in addition there is also appropriated to the Northern Grand Division the sum of \$500 for the purchase of books and for rebinding law books now on hand. To the Central Grand Division, the sum of \$1,750 per annum, and to the Southern Grand Division the sum of \$1,750 per annum, payable upon bills of particulars certified to by at least two of the justices of said court. There is also appropriated for the pay of the librarians of the several Grand Divisions of said court, who shall also act as librarians for the appellate court, when in session in their respective Grand Divisions, the following sums:

To the Northern Grand Division and Southern Grand Division, each, the sum of \$500 per annum, and to the Central Grand Division the sum of \$1,000 per annum, payable on the certificate of at least two judges of said court. There is also appropriated the sum of \$400



per annum, each, to the Northern, Southern and Central Grand Divisions of said court for the pay of janitors to perform such duties as shall be determined by said court, and to be paid on the order of at least two of the judges. There is also hereby appropriated to defray the incidental and contingent expenses of the appellate courts of this State, to-wit: to the first district, for rent of court rooms, including fuel and light, the sum of \$7,500 per annum; for stationery, postage, expressage, repairs, furniture and other expenses deemed necessary by said court, the sum of \$1,500 per annum, and for the salary of the librarian of said court the sum of \$500 per annum, payable monthly, and for the purchase of law books under the direction of the judges of said court, the sum of \$1,000 per annum, for rebinding law books in library, the sum of \$1,000. To the second district, for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by said court, the sum of \$1,500 per annum. To the third district and the fourth district, each, the sum of \$1,000 per annum, for stationery, fuel, lights, postage, expressage, repairs, furniture and other expenses deemed necessary by the respective courts; the sums to be paid upon bills of particulars, certified to by the clerks of the respective courts, upon the order of at least two of the judges of the respective courts for which the expense was incurred. Also the sum of \$400 per annum, each, to the second, third and fourth districts, for the pay of janitors to perform such duties as shall be determined by the judges of the respective courts, to be paid on the order of at least two of the judges in each district.

Thirty-first—For the salary of the curator of the Illinois State Museum of Natural History, the sum of \$2,500 per annum; for salary of assistant curator, the sum of \$1,000 per annum; for the salary of a janitor, the sum of \$700 per annum, all payable monthly, as provided by law. For the contingent and necessary expenses of the museum and scientific library, and for traveling expenses incurred on business connected with the office, the sum of \$500 per annum, payable upon bills of particulars duly certified to by the curator and approved by the Governor. Reports on investigations shall be prepared by, or under the direction of the curator, and be presented to the board of trustees of the museum for approval. The board shall order such reports printed and the expense shall be paid out of the general fund appropriated for the public printing.

Thirty-second—To the Railroad and Warehouse Commissioners for the incidental expenses of their office, including care, stationery, postage and telegraphing, extra clerk hire and for secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed \$4,000 per annum. For any expense incurred in suits or investigations commenced by authority of the State under any law now in force, or hereafter enacted, empowering or entrusting the board of commissioners, including the fees of experts employed and clerical help, the sum of \$4,000 per annum, or such part thereof as may be needed for such pur-



poses. For the printing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers, and freights, and cars, made or revised for any or all of the railroads of the State, as provided by law, the sum of \$1,000, or so much thereof as may be needed for such purposes. For the printing and publication of railroad maps of Illinois to be bound with annual reports, the sum of \$1,200 per annum; for the purpose of fitting up the office with book cases, files and furniture, the sum of \$500 or so much thereof as may be necessary. For the salary of a civil engineer, when so employed by the commission in their discretion, the sum of \$3,000 per annum, which said civil engineer when so employed shall do such engineering work and make such inspections and reports as the said commissioners may direct, for which he shall receive compensation to be fixed by the commission, not exceeding the said sum of \$3,000 per annum, to be paid on bills of particulars, certified to by the Railroad and Warehouse Commission and approved by the Governor.

Thirty-third—To the Commissioners of Labor Statistics, for the purpose of procuring, tabulating and publishing statistics of labor as contemplated by law, for clerical services, the employment of canvassers, and the incidental office expenses of the board, and for defraying the per diem and traveling expenses of the commissioners, the sum of \$8,000 per annum, or so much thereof as may be necessary; and the sum of \$2,500 per annum for the salary of the secretary of the board.

Thirty-fourth—To the Board of Live Stock Commissioners, the following sums are hereby appropriated: For salary of Secretary, \$1,800 per annum; to pay the necessary expenses of the Commission and Secretary, \$2,000 per annum; for the salary of four agents at the Union Stock Yards, Chicago, and one agent at the National Stock Yards, East St. Louis, \$6,000 per annum; for janitor of office, \$720 per annum; for salary of Assistant Veterinarian at Union Stock Yards, Chicago, \$1,800 per annum; for salary and expenses of State Veterinarian, \$3,500 per annum; for telegraph, postage, express and other incidental office expenses, \$1,200 per annum. Also for paying damages for animals, diseased or exposed to contagion, slaughtered; for per diem and traveling expenses of State Veterinarian and Assistant State Veterinarian and agents, incurred in making examinations of the same, or in making examinations of any animals supposed to be diseased; for property necessarily destroyed, and for expenses of disinfection of premises, when such disinfection is practicable under the provision of any law of this State, for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of \$20,000, or so much thereof as may be necessary; and in addition to said sum of \$20,000, any sums of money that may be received by the Board of Live Stock Commissioners as the net proceeds of the sale of the healthy carcasses of slaughtered animals under the provisions of this law, and paid by them into the State Treasury, to be paid only in the manner and on the conditions provided by law.

Thirty-fifth—The sum of \$7,500 per annum, or so much of it as may be necessary, to the Fish Commissioners of the State, to be used by them in pursuance of law. The sum of \$2,500 per annum, or so much thereof as may be necessary, for the personal and traveling expenses of the Fish Commissioners, and for the services and expenses of such persons as may be employed by them, including fish wardens, while performing such services for which no fees are allowed, in enforcing the laws relative to fishways over dams, and for the protection of fish. All expenditures to be upon bills of particulars, certified to by a majority of the commissioners and approved by the Governor.

Thirty-sixth—To the State Board of Health, for salary of secretary, the sum of \$3,000 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, and in making sanitary inspections, the sum of \$2,000 per annum; for chief clerk, \$1,800 per annum; for clerk, \$1,150 per annum; for stenographer, \$720 per annum, and for incidental expenses, the sum of \$330 per annum.

Also the sum of \$10,000 as a contingent fund, to be used only with the consent and concurrence of the Governor, upon the recommendation and advice of the board, in case of the outbreak or threatened outbreak of any epidemic or malignant disease, such as Asiatic cholera, small-pox, yellow fever, or to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State, and in suppressing outbreaks which may occur, and in investigating their methods of prevention, also special investigations when required by the sanitary necessities of the State; and any necessary expenditures from this sum shall be paid on the order of the president of the board, and attested by the secretary, and approved by the Governor.

Thirty-seventh—To the Lieutenant Governor for postage, telegraphing, stationery and other incidental expenses, the sum of \$50 per annum, payable upon his order.

Thirty-eighth—The sum of \$1,000, or so much thereof as may be necessary, to pay the expenses of committees of the Fortieth General Assembly, such expenses to be certified as may be provided by resolution of either house.

Thirty-ninth—To the Insurance Superintendent, for necessary clerk hire in his office the following sums: For actuary, \$3,000 per annum; for chief clerk, \$2,000 per annum; for clerk, \$1,800 per annum; for clerk, \$1,800 per annum; for clerk, \$1,500 per annum; for clerk, \$1,200 per annum; for two clerks, \$900 each per annum; for clerk, \$720 per annum, and for additional clerical services in preparing abstract of annual statement and work connected therewith, the sum of \$1,180; for stenographer and typewriter, \$1,200 per annum; for porter and messenger, \$700 per annum. For postage, express charges and telegraphing and other incidental expenses, the sum of \$3,000 per annum. For expense in attending the annual convention of insurance commissioners the

sum of \$125 per annum; for expense of examinations and investigations, which cannot be collected from the companies or associations examined, \$1,000 per annum, or so much thereof as may be necessary; for all other examinations and investigations, such amount for expenses incurred and services of assistants employed as shall be collected from the companies and associations examined; for printing blank forms, reports for the use of Farmers' Mutual Insurance companies, the sum of \$500 per annum, or so much thereof as may be necessary. For making valuation of reserve insurance companies, the fees provided for by law and paid by such companies for such services, or so much thereof as may be necessary. All salaries to be payable upon monthly pay rolls, duly certified by the Insurance Superintendent; and other items, except the last one, to be payable upon bills of particulars, certified to by the Insurance Superintendent with the approval of the Governor. For making valuation of reserve life insurance companies the Insurance Superintendent, with the approval of the Governor, is hereby authorized to use the sums collected for such purpose in the payment of the costs thereof, and include the same in his annual report to the Governor.

Fortieth—It shall be the duty of the Superintendent of Insurance to make a report on the first days of January and July of each year of amount collected by him, and shall pay over to the State Treasurer all funds on hand at the date of such report and take his receipt therefor.

Forty-first—To the trustees of the Lincoln Homestead, for the salary of a custodian, the sum of \$600 per annum; and for repairs and improvements, the sum of \$150 per annum, to be expended by said trustees as provided in the act of 1887 creating said trust.

Forty-second—To the Illinois State' Historical Society, for the continuation, care and maintenance thereof, the sum of \$1,600 per annum, of which the sum of \$600 per annum shall be paid as a salary to the librarian, to be expended under the provisions and in the manner specified in the act of 1889 establishing said library.

Forty-third—To the State Factory Inspectors, for salary of the State Factory Inspector, the sum of \$1,500 per annum; for salary of the Assistant State Factory Inspector, the sum of \$1,000 per annum; for salary of ten Deputy Factory Inspectors, the sum of \$750 each per annum, for traveling and other legitimate expenses incurred by the inspectors in the performance of their duties, the sum of \$4,000 per annum.

Forty-fourth—The State Board of Examiners for Mine Inspectors and Mine Managers, for the per diem and expenses of the board in conducting examinations as to the qualifications of those holding or desiring positions as managers of coal mines, and of those desiring appointments as State inspectors of mines, the sum of \$1,500 per annum, or so much thereof as may be necessary, payable upon proper vouchers approved by the Governor.

Forty-fifth—To the Supreme Court Reporter, for messenger and janitor, the sum of \$720 per annum, payable upon bills of particulars duly certified to by him and approved by the Governor.

Forty-sixth—There is hereby appropriated out of the money in the treasury not otherwise appropriated, the sum of \$2,986.27, to pay Walter Rutlege, the sum of \$490.65; to pay Thomas Hindson, the sum of \$282.27; to pay James Freer, the sum of \$365.30; to pay Quinten Clark, the sum of \$739.63; to pay John G. Massie, the sum of \$538.45; to pay Thomas S. Cummings, the sum of \$75.15; to pay Edward Fellows, the sum of \$78.95; to pay James A. Keating, the sum of \$80.31; to pay John Keay, the sum of \$49.68; to pay Hugh J. Hughes, the sum of \$207.87; and to pay to the heirs at law of Elisha Beadle, deceased, the sum of \$78.01; the sums due each of them, respectively, for their actual and necessary traveling expenses while in the discharge of their public duties as State Inspectors of Coal Mines. For the payment of traveling expenses of State Mine Inspectors to July 1, 1895, the sum of \$1,000, to be paid upon certificates, as provided by law.

Forty-seventh—There is hereby appropriated out of the canal fund the sum of \$2,000 to be used by the canal commissioners in repairing the outlet of the canal connecting Spring Lake with the Illinois River at Copperas Creek dam, in Tazewell county, Illinois, said sum to be evidenced by bills of particulars, duly certified to by the commissioners.

Forty-seven and a half—To E. L. Merritt and J. W. Drury, each, the sum of twenty-five dollars and forty cents, for balance due them for services rendered under a joint resolution of the Thirty-eighth General Assembly.

Forty-eighth—To Greeley Carleson & Company, surveyors, cost incurred in the case of the People ex rel. Attorney General v. Lincoln Park Commissioners et al., the sum of seventy-five (75) dollars. To E. B. Whinnan, master-in-chancery, for taking testimony in the cause of the People of the State of Illinois v. Illinois Central Railroad Company, as directed by the Supreme Court of the United States, the sum of three hundred and eighty-seven dollars and twenty cents (\$387.20). To Charles Mills Rogers, master-in-chancery, for taking testimony in the case of the People of the State of Illinois v. Elizabeth Cooling et al., the sum of four hundred and fifty dollars (\$450). To John R. O'Connor, stenographer, for taking testimony in the case of the People of the State of Illinois v. Elizabeth Cooling et al., the sum of eight hundred dollars (\$800). To Thomas Taylor, Jr., master-in-chancery, for taking testimony in the case of the People of the State of Illinois v. Continental Investment and Loan Society, the sum of six hundred dollars (\$600). To C. C. Walker, stenographer, for taking said testimony in the case of the People of the State of Illinois v. Continental Investment and Loan Society, the sum of six hundred dollars (\$600).



Forty-ninth—The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for the sums herein specified, upon the presentation of proper vouchers; all sums herein appropriated for the pay of clerks, secretaries, porters, messengers, janitors, watchmen, policemen, laborers, engineers, firemen, stenographers, curators and librarians shall, when not otherwise provided by law, be paid upon monthly payrolls, duly certified to, respectively, by the heads of departments, bureaus or boards of commissioners and trustees requiring the services of such employes; and the State Treasurer shall pay the same out of the proper funds in the treasury not otherwise appropriated. Said warrants shall be drawn in favor of and payable to the order of the persons entitled thereto.

APPROVED June 15, 1895.

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STATE GOVERNMENT OFFICERS AND 40TH GENERAL ASSEMBLY.

§ 1. Appropriates \$892,000, or so much thereof as may be necessary, to pay the officers of the State Government and the next General Assembly.

*AN ACT making an appropriation for the payment of the officers and members of the next General Assembly, and for the salaries of the officers of the State Government.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and hereby is appropriated the sum of eight hundred and ninety-two thousand dollars (\$892,000), or such sum as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State Government, at such rate of compensation as is now, or hereafter may be, fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

APPROVED JUNE 15, 1895.

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STATUTORY REVISION COMMISSION.

<p>§ 1. Appropriates \$10,000 for services of members, \$2,000 for services of Alex J. Jones, and \$185 each for services of H. R. Mitchell and J. McCann Davis—How drawn.</p>	<p>§ 2. Emergency.</p>
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*AN ACT making an appropriation to defray the expenses of the Joint Commission on Statutory Revision of the Thirty-Eighth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the purpose of pay-



ing the members, clerk hire and expenses of the Joint Commission of the Senate and House of Representatives known as the Joint Commission on Statutory Revision, for services rendered and expenses incurred prior to the meeting of the Thirty-ninth General Assembly: For services of the members of said Joint Commission, ten thousand dollars (\$10,000). For the services of Alex. J. Jones, stenographer and secretary, two thousand dollars (\$2,000). For services of H. R. Mitchell and J. McCann Davis, as proof readers, one hundred and eighty-five dollars (\$185) each. The several sums of money hereby appropriated shall be paid by the State Treasurer upon warrants drawn by the Auditor of Public Accounts upon vouchers certified to by the chairman of the Joint Commission on Statutory Revision. The foregoing appropriations are made in full payment for the services of the members composing the aforesaid joint commission and in full payment for the services of the stenographer and secretary of said commission, and proof reading, and it is hereby declared that said joint commission be dissolved.

§ 2. Whereas, the sums of money appropriated in the first section of this act are necessary for the payment of the services and expenses incurred, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 24, 1895.

E. P. SUMMERS.

§ 1. Appropriates to E. P. Summers \$183, compensation for material furnished.	§ 2. How drawn.
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*AN ACT making an appropriation for the relief of E. P. Summers.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one hundred and eighty-three (183) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the relief of E. P. Summers, as a fair and just compensation for lumber furnished by him, and used by the State at the Illinois State Reformatory, at Pontiac.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for said sum of one hundred and eighty-three (183) dollars hereby appropriated, payable to said E. P. Summers, or his order, in full satisfaction of said claim; the same to be paid out of the moneys heretofore appropriated by an act to make an appropriation for expenses of the Illinois State Reformatory at Pontiac, approved and in force May 11, 1895.

APPROVED June 15, 1895.

## EASTERN ILLINOIS STATE NORMAL SCHOOL.

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| <p>§ 1. The Eastern Illinois State Normal School created.</p> <p>§ 2. Object.</p> <p>§ 3. Corporate powers vested in board of five trustees.</p> <p>§ 4. Governor to appoint trustees—Term of office—Vacancy.</p> <p>§ 5. First meeting—President, Secretary and Treasurer.</p> <p>§ 6. Duties of Treasurer.</p> <p>§ 7. Interest in contract prohibited to trustee, officer, agent or employé.</p> <p>§ 8. Accounts to be stated and settled annually with Auditor of Public Accounts—Report to Governor.</p> <p>§ 9. Board to meet quarterly.</p> <p>§ 10. Location of site.</p> | <p>§ 11. Contracts for and construction of buildings—Appointment of Superintendent of Buildings.</p> <p>§ 12. Appointment of instructors and officers—Text-books, apparatus, etc.</p> <p>§ 13. Each county entitled to gratuitous instruction for two pupils; each representative district to a number equal to its representatives—How chosen.</p> <p>§ 14. Appropriates \$50,000 to erect buildings and for first year's instruction—How drawn.</p> <p>§ 15. Expense of building, improving, etc., fuel, furniture, etc., salaries, etc., to be a charge upon State Treasury: all the expenses chargeable against pupils.</p> <p>§ 16. Expenses, after completion, if before next regular session General Assembly, provided for.</p> <p>§ 17. Trustees to receive personal and traveling expenses.</p> |
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AN [ACT] *to establish and maintain the Eastern Illinois State Normal School.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a body politic and corporate is hereby created, by the name of the Eastern Illinois State Normal School, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode or transfer or conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal with power to break or change the same, and adopt by-laws, rules and regulations for the government of its members, official agents and employés: *Provided*, Such by-laws shall not conflict with the Constitution of the United States or of this State.

§ 2. The object of the said Eastern Illinois State Normal School shall be to qualify teachers for the common schools of this state by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural and of the physical sciences, in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens.

§ 3. The powers of the said corporation shall be vested [in], and its duties performed by a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

§ 4. Upon the passage of this act, the Governor shall nominate, and by and with the advice of the Senate, appoint five citizens who shall be residents of the State outside of the territory within which this school is to be erected, as trustees of said institution,

two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty; and successors in each class shall be appointed in like manner for four years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that no two members of said board shall be residents of any one county, or in one senatorial district. The Superintendent of Public Instruction shall be a trustee of said school, ex-officio.

§ 5. The said trustees shall hold their first meeting at ..... within one month from the time this act goes into effect, at which meeting they shall elect one of their body as president and another as secretary, and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the People of the State of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct..

§ 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

§ 7. No member, officer, agent or employé of the board shall be a party to or interested in any contract for materials or supplies.

§ 8. Accounts of this institution shall be stated and settled annually with the Auditor of Public Accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the General Assembly, submit to the Governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the Governor laid before the General Assembly.

§ 9. The said board shall meet quarterly, at such place or places as may be agreed on, and, until the buildings are completed, as much oftener as may be necessary, and thereafter the meetings shall be at the school.

§ 10. The trustees shall, as soon as practicable after their appointment, arrange to receive from the localities desiring to secure the location of said school, proposals for donation of a site, of not less than forty acres of ground, and other valuable considerations, and shall locate the same in the place offering the most advantageous conditions, all things considered, in that portion of the State, lying north of the Baltimore & Ohio South-

western Railroad, and south of the Wabash Railway, and east of the main line of the Illinois Central Railroad, and the counties through which said roads run, with a view of obtaining a good water supply and other conveniences for the use of the institution.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to secure plans, and to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the outhouses required for use, also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plans for use, and shall be of sufficient capacity to accommodate not less than one thousand students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, or equally good fire proof material, roof of slate, and the whole buildings made fire-resisting, and so constructed as to be warmed in the most healthful and economical manner, with ample ventilation in all its parts. The outhouses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint a trustworthy and competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every brick, stone and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employes to conform to his directions in executing their contracts: *Provided, however,* that said board of trustees shall not appoint any one of their number such superintendent: *And, provided, further,* that the buildings aforesaid may be erected and improvements made under the direction of the board and superintendent, without letting the same to contractors.

§ 12. The said board of trustees shall appoint instructors, together with such other officers as may be required in the said normal schools, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the school and provide the same, and shall make all regulations necessary for this management.

§ 13. All the counties of the State shall be entitled to gratuitous instructions for two pupils for each county in said normal school, and each representative district shall be entitled to gratuitous instructions for a number of pupils equal the number of representatives in said district, to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal school, and shall present the same to the county court, or, in counties acting under township organization, to the board of super-



visors, as the case may be, shall together with the superintendent of schools, examine all applicants so presented, in such manner as the board of trustees may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot, and in representative districts composed of more than one county, the superintendent of schools and county judge, or the superintendent of schools and the chairman of the board of supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State not less than three years, in case that engagements can be secured by reasonable efforts, to require the candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 14. To enable the board of trustees to erect the buildings and make the improvements preparatory to the reception of pupils in said institution, to supply the necessary furniture for the same, and for the first year's instruction, the sum of fifty thousand dollars is hereby appropriated out of the State Treasury, payable on the orders of said board, as required for use, in sums not exceeding ten thousand dollars per month, the first payment to be made on the first day of July, 1896, and subsequent payments shall be accompanied by an account sustained by vouchers, showing to the satisfaction of the Auditor and with the approval of the Governor, the expenditure of the previous payment.

§ 15. The expense of the building, improving, repairing and supplying fuel and furniture and the necessary appliances and apparatus for conducting said school, and the salaries or compensation of the trustees, superintendent, assistants, agents, and employés, shall be a charge upon the State Treasury; all other expenses shall be chargeable against pupils, and the trustees shall regulate the charges accordingly.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the General Assembly, the Governor is authorized to make orders on the Auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay expenses chargeable against the State out of the above named appropriation of fifty thousand dollars, and the Auditor shall issue warrants accordingly, which shall be paid by the Treasurer.

§ 17. The trustees of the institution shall receive their personal and traveling expenses, and the Auditor is hereby autho-

rized to issue warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses.

APPROVED May 22, 1895.

#### UNIVERSITIES, ILLINOIS.

§ 1. Appropriates to the University of Illinois the following sums:

For taxes accruing in 1894-5 on lands owned by the State in Minnesota, \$1,600 per annum.

For salaries, repairs, operating expenses, etc., \$90,000 per annum.

For addition to libraries, \$3,000 per annum.

For addition to apparatus and appliances, \$3,000 per annum.

For material for shop practice, \$1,500 per annum.

For increase of scientific cabinets, etc., \$1,000 per annum.

For completing engineering Hall, \$5,000.

For extending the equipment of the college of engineering, \$30,000.

For improving the chemical laboratory, \$5,000.

For a laboratory for vegetable physiology, \$2,000.

For fire protection, \$2,000.

For biological experiment station, \$2,500, and for half of the operating expenses of the same, \$1,500 per annum.

For library building, etc., \$150,000.

For astronomical observatory, \$15,000.

For paving streets and walks, \$9,300.

§ 2. How drawn.

#### AN ACT making appropriations for the University of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the University of Illinois, for the payment of taxes accruing in the year 1894 and 1895 on lands owned by the State, in the State of Minnesota, and held for the use of said university, the sum of sixteen hundred (1,600) dollars per annum.

For payment of salaries, for the maintenance and repairs of buildings, the care of grounds, and ordinary operating expenses, ninety thousand (90,000) dollars per annum.

For addition to the libraries, three thousand (3,000) dollars per annum.

For addition to apparatus and appliances, three thousand (3,000) dollars per annum.

For material for shop practice, one thousand five hundred (1,500) dollars per annum.

For increase of scientific cabinets and collections, one thousand (1,000) dollars per annum.

For completing the fitting and furnishing of engineering hall, five thousand (5,000) dollars.

For extending the equipment of the college of engineering and for changing and housing machinery, thirty thousand (30,000) dollars.

For improvement in the chemical laboratory, five thousand (5,000) dollars.

For a laboratory for vegetable physiology, two thousand (2,000) dollars.

For equipment and material for fire protection, two thousand (2,000) dollars.

For a small temporary building and equipment for work of the biological experiment station on the Illinois river, two thousand five hundred (2,500) dollars, and for half the operating expenses of said station, fifteen hundred (1,500) dollars per annum.

For the erection of a library building and to provide safe accommodations for the art, industrial and zoölogical collections, one hundred and fifty thousand (150,000) dollars.

For an astronomical observatory and equipment, fifteen thousand (15,000) dollars.

For paving streets and laying walks, nine thousand three hundred (9,300) dollars.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated, upon the order of the board of trustees of said university, attested by its secretary and with the corporate seal of the university: *Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the university on account of the appropriation heretofore made: *And, provided further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditure of the sums appropriated in this act.

APPROVED June 7, 1895.

#### UNIVERSITIES, ILLINOIS.

§ 1. Appropriates to the University of Illinois  
the moneys due from the United States  
and accruing under the act of 1890.

§ 2. How drawn.

AN ACT appropriating to the University of Illinois the money granted in an act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum or sums of money which may have accrued or may hereafter, before the first day of July, 1897, accrue to the State of Illinois under the pro-

visions of an act of the Congress of the United States, approved August 30, 1890, entitled "An act to apply a portion of the proceeds of public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862," are hereby appropriated to the University of Illinois, and whenever any portion of the said money shall be received by the State Treasurer, it shall immediately be due and payable into the treasury of the said university.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasurer for the sums hereby appropriated upon the order of the president of the board of trustees of said university, countersigned by its secretary and with the corporate seal of the said university.

APPROVED June 13, 1895.

#### NORTHERN STATE NORMAL SCHOOL.

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| <p>§ 1. The Northern Illinois State Normal School created.</p> <p>§ 2. Object.</p> <p>§ 3. Corporate powers vested in a board of five trustees.</p> <p>§ 4. Governor to appoint trustees—Term of office—Vacancy.</p> <p>§ 5. First meeting—President, Secretary and Treasurer.</p> <p>§ 6. Duties of Treasurer.</p> <p>§ 7. Interest in contracts, prohibited to trustees, officer, agent or employé.</p> <p>§ 8. Accounts to be stated and settled annually with Auditor of Public Accounts—Report to Governor.</p> <p>§ 9. Board to meet quarterly.</p> <p>§ 10. Location of site.</p> | <p>§ 11. Contracts for and erection of buildings—Appointment of Superintendent of Buildings.</p> <p>§ 12. Appointment of instructors and officers—Text books, apparatus, etc.</p> <p>§ 13. Each county entitled to gratuitous instruction for two pupils; each representative district to a number equal to its representatives—How chosen.</p> <p>§ 14. Appropriates \$50,000 to erect buildings and for first year's instruction—How drawn.</p> <p>§ 15. Expense of building, improving, etc., fuel, furniture, etc., salaries, etc., to be a charge upon State Treasury; all the expenses chargeable against pupils.</p> <p>§ 16. Expenses after completion, if before next regular session General Assembly, provided for.</p> <p>§ 17. Trustees to receive personal and traveling expenses.</p> |
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#### AN ACT to establish and to maintain the Northern Illinois State Normal School.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a body politic and corporate is hereby created, by the name of the Northern Illinois State Normal School, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode or transfer or conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal with power to break or change the same, and adopt by-laws, rules and



regulations for the government of its members, official agents and employés: *Provided*, Such by-laws shall not conflict with the Constitution of the United States or of this State.

§ 2. The object of the said Northern Illinois State Normal School shall be to qualify teachers for the common schools of this State by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural and of the physical sciences, in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens.

§ 3. The powers of the said corporation shall be vested and its duties performed by a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

§ 4. Upon the passage of this act the Governor shall nominate and, by and with the advice of the Senate, appoint five citizens of the State as trustees of said institution, two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in like manner for four years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that no two members of said board shall be residents of any one county, or in one congressional district. The Superintendent of Public Instruction shall be a trustee of this school, ex-officio.

§ 5. The said trustees shall hold their first meeting at ..... within one month from the time this act goes into effect, at which meeting they shall elect one of their body as president and another as secretary; and cause a regular record to be made and kept of all their proceedings. The said board shall, also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the People of the State of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.

§ 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

§ 7. No member, officer, agent or employé of the board shall be a party to or interested in any contract for materials or supplies.

§ 8. Accounts of this institution shall be stated and settled annually with the Auditor of Public Accounts, or with such person or persons as may be designated by law for that purpose.

And the trustees shall, ten days previous to each regular session of the General Assembly, submit to the Governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the Governor laid before the General Assembly.

§ 9. The said board shall meet quarterly at such place or places as may be agreed on, and, until the buildings are completed, as much oftener as may be necessary, and thereafter the meetings shall be at the school.

§ 10. The trustees shall, as soon as practicable after their appointment, arrange to receive from the localities desiring to secure the location of said school, proposals for the donation of a site, of not less than forty acres of ground, and other valuable considerations, and shall locate the same in the place offering the most advantageous conditions, all things considered, as nearly central as possible in that portion of the State, lying north of the main line of the C., R. I. & P. R. R. with a view of obtaining a good water supply and other conveniences for the use of the institution.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to secure plans, and to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the outhouses required for use, also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plan for use, and shall be of sufficient capacity to accommodate not less than one thousand students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, or equally good fireproof material, roof of slate, and the whole buildings made fire-resisting, and so constructed as to be warmed in the most healthful and economical manner, with ample ventilation in all its parts. The outhouses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint a trustworthy and competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every brick, stone and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employes to conform to his directions in executing their contracts: *Provided, however,* that said board of trustees shall not appoint any one of their number such superintendent: *And, provided, further,* that the buildings aforesaid may be erected and improvements made under the direction of the board and superintendent, without letting the same to contractors.

§ 12. The said board of trustees shall appoint instructors, together with such other officers as may be required in the said

normal school, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the school and provide the same, and shall make all regulations necessary for this management.

§ 13. All the counties of the State shall be entitled to gratuitous instruction for two pupils for each county in said normal school, and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal school, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, as the case may be, shall, together with the superintendent of schools, examine all applicants so presented, in such manner as the board of trustees may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot, and in representative districts composed of more than one county, the superintendent of schools and county judge, or the superintendent of schools and the chairman of the board of supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State not less than three years, in case that engagements can be secured by reasonable efforts, to require the candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 14. To enable the board of trustees to erect the buildings and to make the improvements preparatory to the reception of pupils in said institution, to supply the necessary furniture for the same, and for the first year's instruction, the sum of fifty thousand dollars is hereby appropriated out of the State Treasury, payable on the orders of said board, as required for use, in sums not exceeding ten thousand dollars per month. The first payment to be made on the first day of July, 1896, and subsequent payments shall be accompanied by an account sustained by vouchers, showing to the satisfaction of the Auditor, the expenditure of the previous payment, and approved by the Governor.

§ 15. The expense of the building, improving, repairing and supplying fuel and furniture and the necessary appliances and apparatus for conducting said school, and the salaries or compensation of the trustees, superintendent, assistants, agents and employés shall be a charge upon the State Treasury; all other expenses shall be chargeable against pupils, and the trustees shall regulate the charges accordingly.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the General Assembly, the Governor is authorized to make orders on the Auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay expenses chargeable against the State out of the above named appropriation of fifty thousand dollars, and the Auditor shall issue warrants accordingly, which shall be paid by the Treasurer.

§ 17. The trustees of this institution shall receive their personal and traveling expenses, and the Auditor is hereby authorized to issue warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses.

APPROVED May 22, 1895.

#### UNIVERSITIES, SOUTHERN NORMAL.

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| <p>§ 1. Appropriates \$40,000 to erect a building suitable for library, museum, laboratory and class rooms at the Southern Normal University.</p>  | <p>§ 6. Contract to be signed in triplicate by president of trustees attested by secretary, under seal.</p> |
| <p>§ 2. Trustees to procure plans and specifications, subject to Governor's approval.</p>  | <p>§ 7. Bids to estimate cost in detail—Trustees may accept bids for particular portions of work.</p>       |
| <p>§ 3. Advertisement for bids</p>   | <p>§ 8. Appropriation—How drawn—Not available until July 1, 1896.</p>                                       |
| <p>§ 4. Opening bids—Awarding contract—Bond.</p>   | <p>§ 9. No trustee or officer to be interested in contract—Penalty.</p>                                     |
| <p>§ 5. Contract to be accompanied by bond, approved by Governor—Superintendent of construction—Payment of contractor—Disputes to be settled by arbitration—Limitation of State's liability.</p> |   |

AN ACT to make an appropriation for the construction of a suitable building for the library, museum, laboratory and class rooms for the Southern Normal University, at Carbondale, Illinois.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of forty thousand dollars be, and the same is, hereby appropriated to the Southern Illinois Normal University, for the purpose of erecting a suitable building to be used for library, museum, laboratory and class rooms.



§ 2. The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect (for which not more than one per cent. shall be allowed, payable in installments as the work progresses), which shall be submitted to the Governor for his approval, but no plans shall be adopted by the trustees which shall not first have been approved by the Governor. Said plans shall be accompanied by specifications and by a detailed estimate of the amount, quality and description of all material and labor required for the erection and full completion of the building according to said plans.

§ 3. Whenever the said plans and specifications shall have been approved and adopted, the trustees shall cause to be inserted in at least two of the daily or weekly newspapers in the cities of Chicago, Springfield and the city of Carbondale, where the said university is located, an advertisement for sealed bids for the construction of the building herein authorized. And they shall furnish a printed copy of this act and of the specifications to all parties applying therefor, and all parties interested who may desire it shall have free and full access to the plans, with the privilege of taking notes and making memoranda.

§ 4. Not less than thirty days after the publication of said proposals for bids, on a day and hour to be named in said advertisement, in the office of the University, in the presence of the bidders, or so many of them as may be present, the bids received shall be opened for the first time, and the contract for building shall be let to the lowest and best bidder: *Provided*, that no contract shall be made and no expense incurred for building, requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act: *And, provided further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of ten thousand dollars, signed by at least three good and sufficient securities, conditioned as a guarantee for the responsibility and good faith of the bidders, and that he will enter into contract and give bond as provided in this act, in case his bid is accepted.

§ 5. The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the Governor, before accepted, conditioned for the faithful performance of his contract; shall provide for the appointment of a superintendent of construction, who shall receive not more than five dollars per day for his services, and who shall carefully inspect and accurately measure the work done and the materials upon the grounds at least once in every month, and for the payment of the contractor upon the aforesaid measurement, and for the withholding of fifteen per cent. of the value of the work done and materials on hand until the completion of the building, and for a forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for its completion in the contract, and for the full protection of all persons who may furnish labor or materials, by withholding

payment from the contractor, and by paying the parties to whom any moneys are due for services or materials as aforesaid, directly for all work done or materials furnished by them in case of notice given to the trustees that any such party apprehends or fears that he will not receive all money due and for the settlement of all disputed questions as to the value of alterations and extras, by arbitration at the time of final settlement; as follows: One arbitrator to be chosen by the trustees, one by the contractor and one by the Governor of the State, all three of said arbitrators to be practical mechanics and builders, and for the power and privilege of the trustees under the contract to order changes in the plans at their discretion and to refuse to accept any work which may be done not fully in accordance with the letter and spirit of the plans and specifications, and all work not accepted shall be replaced at the expense of the contractor and for a deduction from the current price of all alterations ordered by the trustees, which may and do diminish the cost of the building. They may also make such other provisions and conditions in the said contract not hereinabove specified as may be necessary or expedient: *Provided*, that no condition shall be inserted contrary to the letter and spirit of this act, and that in no event, shall the State be liable for a greater amount of money than is appropriated for said building and its appurtenances.

§ 6. The said contract shall be signed by the president of the board of trustees, on behalf of the board, after a vote authorizing him so to sign shall have been entered upon the minutes of the board, and it shall be attested by the signature of the secretary of the board and by the seal of the university. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the Superintendent of Public Instruction of the State.

§ 7. All bids shall show the estimated cost of the work to be done of each description, in detail, and the trustees shall have the right and power at their discretion to accept bids for particular portions of the work, if for the advantage of the State, and all measurements and accounts as the work progresses, shall show in detail the amount and character of the work for which payment is made.

§ 8. The moneys herein appropriated shall be paid to the parties to whom they may become due and payable directly from the treasury of the State, on the warrant of the Auditor of Public Accounts; and the money due under this act, upon the order of the board of trustees accompanied by vouchers approved by the Governor as now provided by law, but no part of the moneys hereby appropriated shall be available until July 1, 1896.

§ 9. No trustee or officer of the said institution shall be in any way interested in any contract for the erection of said buildings, or furnishing any materials for said buildings, and if any such trustee or officer shall be so interested, he shall be deemed guilty of a misdemeanor and on conviction be fined in any sum not exceeding five thousand dollars.

APPROVED June 7, 1895.

## UNIVERSITIES, SOUTHERN NORMAL.

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| § 1. Appropriates to the Southern Normal University one-half of the interest on the college and seminary fund—\$22,116.44 per annum for ordinary expenses. | § 2. How drawn. |
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AN ACT to make an appropriation for the ordinary expenses of the Southern Illinois Normal University at Carbondale.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and there is hereby appropriated to the Southern Illinois Normal University at Carbondale, in addition to one-half of the interest on the college and seminary fund which is hereby appropriated, the further sum of \$22,116.44 per annum payable quarterly in advance, for the payment of salaries of teachers, for the purchase of fuel, for repairs, for additions to the library, for the school apparatus, for the museum, for salary of engineer and janitor, for care of grounds, and for the expenses of the board of trustees of said university.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for said sums, quarterly as aforesaid, upon the order of the trustees of the said Southern Illinois Normal University, signed by their president and attested by their secretary, with the corporate seal attached: *Provided*, that satisfactory vouchers in detail approved by the Governor, shall be filed quarterly with the said Auditor of Public Accounts for all expenses of the preceding quarter, and no part of the money hereby appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED June 7, 1895.

## UNIVERSITIES, STATE NORMAL.

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| § 1. Appropriates \$40,000 for new building at the State Normal University. | § 2. How drawn. |
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AN ACT making an appropriation for the Illinois State Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of forty thousand (40,000) dollars be and the same is hereby appropriated to the Illinois State Normal University for the purpose of erecting a suitable building to be used for physical training and for the literary societies of the said institution, and for the purpose of heating and suitably equipping the same.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sum of money, upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of said board with corporate seal of said institution.

APPROVED June 15, 1895.

## UNIVERSITIES, STATE NORMAL.

§ 1. Appropriates to the State Normal University, in addition to one-half of the interest of the college and seminary funds, \$28,506.44 per annum for ordinary and other expenses; and for renewing heating plant, \$7,000.

§ 2. How drawn.

AN ACT to make an appropriation for the ordinary and other expenses of the Illinois State Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is, appropriated to the Illinois State Normal University, in addition to one-half of the interest of the college and seminary funds which is hereby appropriated, the further sum of twenty-eight thousand five hundred six dollars and forty-four cents per annum, payable quarterly in advance, for the payment of salaries, for the expenses of the Board of Education, for repairs on buildings and heating plants, for the purchase of fuel, for additions to the library, for school apparatus, for furniture, for laboratory supplies, for care of the grounds, and for incidental expenses: *Provided*, that the expenses of the model school connected with and forming a part of said State Normal University shall be paid out of the receipts for tuition of pupils of said school and not from the above appropriation or any part thereof. For renewing the heating plant of the main building and equipping said building with a thorough system of ventilation, the sum of seven thousand dollars.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money, upon the order of the Board of Education of the State of Illinois, signed by the president and attested by the secretary of said board with corporate seal of said institution: *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly with the Auditor of Public Accounts for the expenditures, ordinary and extraordinary, of the preceding quarter, and that no part of the money herein appropriated shall be due and payable until such vouchers shall have been filed.

APPROVED June 17, 1895.



## VACCINE LABORATORY.

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| § 1. Appropriates \$3,000 for the establishment of a vaccine laboratory in connection with the University of Illinois.<br><br>§ 2. University trustees to manage the institution and State Board of Health to supervise methods of propagation. | § 3. Product to be furnished physicians and health officers at cost.<br><br>§ 4. Annual report. |
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AN ACT to establish a Vaccine Laboratory and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand (3,000) dollars be hereby appropriated, out of funds not otherwise appropriated, for the purpose of establishing, equipping and maintaining a laboratory in connection with the State University at Champaign, for the propagation of pure vaccine virus.

§ 2. That the Trustees of the said University shall have the management of said institution: *Provided, however,* that the State Board of Health shall exercise supervision of the methods of propagation, and shall certify to the purity of all products.

§ 3. That the product of the vaccine laboratory shall be furnished all physicians and health officers, within the state, at the cost of propagation.

§ 4. That a report of the management, together with a statement of the receipts and disbursements, be made and included in the annual report.

APPROVED June 15, 1895.

## SAMUEL WARREN.

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| § 1. Appropriates to Samuel Warren \$3,000, damages for personal injuries. | § 2. How drawn. |
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AN ACT making an appropriation for the relief of Samuel Warren.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of three thousand (3,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the relief of Samuel Warren, as the fair and just compensation with reference to the pecuniary damages sustained by him resulting from physical injuries inflicted upon him while stopping a runaway passenger elevator in the State Capitol at Springfield, Illinois, in the month of February, 1893, in which elevator were three (3) small children unattended. Said injuries being permanent, and rendering him incapable of working.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for said sum of three thousand (3,000) dollars hereby appropriated, payable to said Samuel Warren or to his order, in full satisfaction of said damages.

APPROVED June 15, 1895.

## ATTACHMENTS.

### TO PERMIT THE SALE OF LIVE STOCK.

§ 1. Permits sale of live stock levied upon in attachment suits.

*AN ACT to permit the sale of live stock levied upon in attachment suits.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when any live stock is levied upon in any attachment proceeding in a court of record, the plaintiff may apply to the judge of the court in which the suit is pending, in vacation or term time, for an order of sale thereof, and if it shall appear that the stock is fit for market, or that if not sold will depreciate in value, then the judge if in vacation and the court if in term time shall order a sale of the property on such terms as shall seem proper, and the proceeds shall be deposited with the clerk of the court in which the suit is pending until determined, and then be paid to the successful party in said suit.

APPROVED May 22, 1895.

## ATTORNEYS AND COUNSELORS.

### TO PREVENT OFFICIALS FROM PRACTICING AS ATTORNEYS AT LAW.

§ 1. Amends section 10 of the act of 1874 to prohibit justices, judges, clerks, county officers, deputies, etc., from practicing.

*AN ACT to amend section ten (10) of "An act to revise the law in relation to attorneys and counselors."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section ten (10) of an act entitled "An act to revise the law in relation to attorneys and counselors," approved March 28, 1874, in force July 1, 1874, be amended so as to read as follows: Section 10. No person who holds a commission as a justice of the Supreme Court of the State of Illinois or as a judge of any court of record in this State shall be permitted to practice as an attorney or counselor at law in the court in which he is commissioned or ap-

pointed, nor shall any judge of any county or probate court be permitted to practice in the court of which he is commissioned or appointed, and it shall be unlawful for any county judge, probate judge, county or probate clerk, or deputy county or probate clerk to make accounts, currents or reports for any executor, administrator, guardian or conservator, in which said court shall have to act on judicially, nor shall any coroner, sheriff or deputy sheriff be permitted to practice as aforesaid in the county in which he is commissioned or appointed, nor shall any clerk or deputy clerk of a court of record be permitted to practice as an attorney or counselor at law in the court in which he is such clerk or deputy clerk, and no person shall be permitted or suffered to enter his name on the roll or record, to be kept as aforesaid, by the clerk of the Supreme Court, or do any official act appertaining to the office of an attorney or counselor at law, until he hath taken the oath hereinbefore required; and the person administering such oath shall certify the same on the license, which certificate shall be a sufficient voucher to the clerk of the Supreme Court to enter or insert, or permit to be entered or inserted, on the roll of attorneys or counselors at law, the name of the person of whom such certificate is made.

APPROVED June 17, 1895.

## BAIL IN CIVIL CASES.

### TO PREVENT FALSE SCHEDULES.

§ 1. Bondsmen making false schedule guilty of perjury—Penalty.	§ 2. Misrepresentation by bondsmen, perjury—Penalty.
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*AN ACT to prevent the making of false schedules for the purpose of justifying as bondsmen in civil and criminal cases.*

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That any person or persons who may become surety or sureties upon any bond required to be given in any civil or criminal case in any court in this State, who shall, before the making of such bond, willfully and corruptly represent, under oath, to the court or officer authorized to accept such bond, by a schedule or affidavit, or any other written instrument by them made, that he or she is the owner of certain real estate at a fixed value, when in fact such person or persons were not the owner or owners of said property mentioned in such schedule, affidavit or written representation as aforesaid, shall be deemed guilty of perjury and punished accordingly.

§ 2. That any person or persons who may become surety or sureties upon any bond required to be given in any civil or criminal case, in this State, who shall, before the making of such bond, willfully and corruptly represent, under oath, to the court, or

officer authorized to accept such bond, that he or she is worth a certain sum of money, or is possessed of real and personal property worth a certain sum over and above all of his or her just debts and liabilities, when in fact such person or persons were not worth the sum so alleged, shall be deemed guilty of perjury, and punished accordingly.

APPROVED June 21, 1895.

## CEMETERIES.

### CEMETERY ASSOCIATIONS TO ACQUIRE ONLY NECESSARY LANDS.

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| § 1. Amends section 1, Act of 1891, providing that cemetery associations shall acquire only lands necessary for burial purposes. | § 2. Emergency. |
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AN ACT to amend section one of an act entitled "An act in relation to cemeteries," in force May 27, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of an act entitled "An act in relation to cemeteries," in force May 27, 1891, be, and the same is, hereby amended so as to read as follows:

Section 1. That all cemetery associations or companies incorporated for cemetery purposes, by any general or special law of this State, may acquire by purchase, gift or devise, and may hold, own and convey for burial purposes only, so much land as may be necessary for use as a cemetery or burial place for the dead.

§ 2. Whereas, an emergency exists, therefore this act shall take effect, and be in force from and after its passage.

APPROVED April 3, 1895.

## CHARITIES.

### BOYS TRAINING SCHOOLS.

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| § 1. Amends the amended act of 1883 as follows:     | § 9. Alters provisions respecting support to be paid by counties. |
| § 4. Eliminates restriction as to number of jurors. | § 13. Eliminates provision prohibiting appropriation by State.    |

AN ACT to amend sections four (4), nine (9) and thirteen (13) of "An act to provide for and aid training schools for boys," approved June 18, 1883, in force July 1, 1883, and as further amended on June 23, 1885.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections four (4), nine (9) and thirteen (13) of an act entitled "An act to provide for and aid training schools for boys," be and are hereby amended to read as follows:

Section 4. Upon the filing of such petition, the clerk of the court shall issue a writ to the sheriff of the county directing him to bring



such boy before the court; to order a jury of six to be summoned to ascertain whether such boy is dependent as alleged in said petition, and also to find if the other allegations are true, and if found to be such, they shall also find his age in their verdict; and when such boy shall be without counsel, it shall be the duty of the court to assign counsel for him; and if the jury shall find that the boy named in the petition is a dependent boy, and that the other material facts set forth in the petition are true, and if in the opinion of the judge he is a fit person to be sent to a training school for boys, the judge shall enter an order that such boy shall be committed to a training school for boys in the county, if there be such in the county; but if there be no such school in the county, then to any training school for boys elsewhere in the State, to be in such school kept and maintained until he shall arrive at the age of twenty-one years, unless sooner discharged therefrom in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parents or parent or guardian of the boy, if to be found in the county, and also to the chairman of the county board of the county, of the proceedings about to be instituted, and they may appear and resist the same.

Section 9. For clothing, tuition, maintenance and care of dependent boys, the county from which they are sent shall pay the training school for boys to which they may be committed, as follows: For each dependent boy ten dollars (\$10.00) per month. *Provided*, that no boy shall be committed whose age shall be over seventeen years; and upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county, by any training school for boys on account of any dependent boy in the care thereof who shall have been by said school put out to trade or employment, or for adoption, after he shall have been, and as long as he shall remain so put out.

Section 13. All training schools for boys in this State, organized under this act, shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the charitable institutions of the State.

APPROVED March 28, 1895.

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INSANE IN SOLDIERS AND SAILORS' HOME.

§ 1. Insane members of the Soldiers and Sailors' Home may be committed to State hospitals.

AN ACT for the treatment, care and maintenance of the insane of the Illinois Soldiers and Sailors' Home.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That members of the Illinois Soldiers and Sailors' Home who are now insane, or who may hereafter become insane, may be committed to any of the State hospitals for insane persons, except the hospital for the criminal insane, and that, being wards of the State, they shall not be credited to any county, but to the State at large.

## RELIEF TO INDIGENT WAR VETERANS.

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| § 1. Construes term "Overseers of the Poor."<br>§ 2. Relief to indigent veterans—How provided—Duty of overseer.<br>§ 3. When no G. A. R. post in the town—Duty of overseer.<br>§ 4. Undertaking to relieve poor by G. A. R. post—Duty of commander. | § 5. Bond of commander.<br>§ 6. Indigent soldiers, sailors and marines not to be sent to almshouses—Restrictions.<br>§ 7. Lists of persons relieved.<br>§ 8. Annual report. |
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*AN ACT to regulate the granting of relief to indigent war veterans and their families.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the term "Overseer of the poor," as used in this act shall be construed to mean all persons whose duty it is, under existing statutes, to care for, relieve, or maintain, wholly or in part, any poor or indigent persons who may be entitled to such relief under the statutes of the State of Illinois.

§ 2. For the relief of indigent and suffering soldiers, sailors and marines, who served in the war of the rebellion, and their families, and the families of deceased veterans who need assistance, in any city or town in this State, the overseer of the poor shall provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic in said city or town, upon the recommendation of the relief committee of said post, in the same manner as is now provided by law for the relief of the poor: *Provided*, said soldier, sailor and marine, or the families of those deceased, are and have been residents of the State for one year or more, and the orders of said commander or quartermaster shall be proper vouchers for the expenditure of said sum or sums of money.

§ 3. In case there is no post of the Grand Army of the Republic in any town in which it is necessary that such relief as provided in section two, should be granted, the overseer of the poor shall accept and pay the orders drawn, as hereinbefore provided by the commander and quartermaster of any post of the Grand Army of the Republic, located in the nearest city or town, upon the recommendation of a relief committee, who shall be residents of the said town in which the relief may be furnished.

§ 4. Upon the taking effect of this act, the commander of any post of the Grand Army of the Republic which shall undertake the relief of indigent veterans and their families, as hereinbefore provided, before the acts of said commander and quartermaster shall be operative in any city or town, shall file with the city clerk of such city, or town clerk of such town, or overseer of the poor of such town or county, a notice that said post intends to undertake such relief as is provided by this act, and such notice shall contain the names of the relief committee of said post in such city or town, and of the commander and other officers of said post. And the commander of said post shall annually there-

after, during the month of October, file a similar notice with the said city or town clerk, or the overseer of the poor, also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in each case from the relief committee upon whose recommendation the orders were drawn. And failure or neglect so to do at the time required by this act shall be punishable by a fine of twenty-five dollars (\$25) to be recovered in the name of the county in any court of competent jurisdiction.

§ 5. The Auditing Board of any city or town, or the overseer of the poor of any city, town or county, may require of said commander or quartermaster of any post of the Grand Army of the Republic undertaking such relief in any city or town, a bond with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this act.

§ 6. Overseers of the poor are hereby prohibited from sending indigent soldiers, sailors and marines (or their families or the families of those deceased) to any almshouse (or orphan asylum), without the full concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic having jurisdiction as provided in sections two and three. Indigent veterans with families, and the families of deceased veterans, shall, whenever practicable, be provided for and relieved at their homes in such city or town in which they shall have a residence, in the manner provided in sections two and three of this act. Indigent or disabled veterans of the classes specified in section two of this act, who are not insane, and who have no families or friends with whom they may be domiciled, may be sent to any Soldiers' Home. Any indigent veteran of either of the classes specified in section two, or any member of the family of any living or deceased veteran of said classes, who may be insane, shall, upon the recommendation of the commander and relief committee of such post of the Grand Army of the Republic, within the jurisdiction of which the case may occur, be sent to any insane asylum and cared for as provided for indigent insane.

§ 7. In case there shall be within the limits of any city or town, more than one post of the Grand Army of the Republic, it shall be the duty of the commander of each post within such limits, to send to the commander of every other post within said limits, on the first day of each month, a written list of the names of all persons to whom relief has been granted during the preceding month, under the provisions of this act.

§ 8. The commander of the Grand Army of the Republic, department of Illinois, shall annually report to the Governor, on or before the first day of January of each year, such portions of the transactions of the Grand Army of the Republic relating hereto,

as he may deem to be of interest to that organization and the people of the State.

This bill, having remained with the Governor for the period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand, this 26th day of June, A. D., 1895.

W. H. HINRICHSSEN,  
*Secretary of State.*

## CITIES, TOWNS AND VILLAGES.

### CIVIL SERVICE.

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| § 1. Commissioners appointed—Oath.  | § 23. Assessments and contributions in public offices forbidden.        |
| § 2. Removal of Commissioners—Vacancy.  | § 24. Payments of political assessments to public officers prohibited.  |
| § 3. Classification.  | § 25. Abuse of official influence prohibited.                           |
| § 4. Rules.   | § 26. Payment for places prohibited.                                    |
| § 5. Publication of Rules.  | § 27. Recommendations in consideration of political service prohibited. |
| § 6. Examinations.  | § 28. Abuse of political influence prohibited.                          |
| § 7. Notice of Examinations.  | § 29. Auditing officer.   |
| § 8. Registers.   | § 30. Appointments and removals to be certified to the Comptroller.     |
| § 9. Promotions.  | § 31. Comptroller to pay salaries only after certification.             |
| § 10. Appointments to classified service.                                     | § 32. Paymasters, etc., to pay salaries only after certification.       |
| § 11. Officers excepted from classified service.                              | § 33. Compelling testimony of witnesses—Production of books and papers. |
| § 12. Removals.   | § 34. Penalties.  |
| § 13. Reports to Commission.  | § 35. Penalties—Disqualification to hold office.                        |
| § 14. Investigations.   | § 36. What officers to prosecute.                                       |
| § 15. Report by Commission.   | § 37. Repeal.   |
| § 16. Chief examiner.   | § 38. Adoption.   |
| § 17. Officers to aid—Rooms.  | § 39. Notice of election.   |
| § 18. Salaries and expenses.  | § 40. Emergency.  |
| § 19. Appropriations.   |   |
| § 20. Frauds prohibited.  |   |
| § 21. No officer to solicit or receive political contributions.               |   |
| § 22. No person to solicit political contributions from officers or employes. |   |

### AN ACT to regulate the Civil Service of Cities.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* COMMISSIONERS APPOINTED—OATH. The mayor of each city in this State which shall adopt this act as hereinafter provided, shall, not less than forty nor more than ninety days after the taking effect of this act in such city, appoint three persons, who shall constitute and be known as the Civil Service Commissioners of such city, one for three years, one for two years and one for one year from the time of appointment, and until their



respective successors are appointed and qualified, and in every year thereafter the mayor shall, in like manner, appoint one person as the successor of the commissioner whose term shall expire in that year to serve as such commissioner for three years, and until his successor is appointed and qualified. Two commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the constitution of this State.

§ 2. REMOVAL OF COMMISSIONERS—VACANCY. The mayor may, in his discretion, remove any commissioner for incompetence, neglect of duty or malfeasance in office. The mayor shall within ten days report in writing any such removal to the city council, with his reasons therefor. Any vacancy in the office of commissioner shall be filled by appointment by the mayor.

§ 3. CLASSIFICATION. Said commissioners shall classify all the offices and places of employment in such city, with reference to the examinations hereinafter provided for, except those offices and places mentioned in section eleven of this act. The offices and places so classified by the commission shall constitute the classified civil service of such city, and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned.

§ 4. RULES. Said commission shall make rules to carry out the purposes of this act, and for examinations, appointments and removals in accordance with its provisions, and the commission may, from time to time, make changes in the original rules.

§ 5. PUBLICATION OF RULES—TIME OF TAKING EFFECT. All rules made as hereinbefore provided, and all changes therein, shall forthwith be printed for distribution by said commission, and the commission shall give notice of the place or places where said rules may be obtained by publication in one or more daily newspapers, published in such city, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication when said rules shall go into operation.

§ 6. EXAMINATIONS. All applicants for offices or places in said classified service, except those mentioned in section eleven, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to

which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and to make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected, and the commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

§ 7. NOTICE OF EXAMINATIONS. Notice of the time and place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in a daily newspaper of general circulation published in such city, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examinations may be given as the commission shall prescribe.

§ 8. REGISTERS. From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of such city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

§ 9. PROMOTIONS. The commission shall, by its rules, provide for promotions in such classified service, on the basis of ascertained merit and seniority in service and examination, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

§ 10. APPOINTMENTS TO CLASSIFIED SERVICE. The head of the department or office in which a position classified under this act is to be filled shall notify said commission of that fact, and

said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that, in cases of laborers where a choice by competition is impracticable, said commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. In making such certification sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specifies sex. The appointing officer shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. Said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which a candidate is employed may, by and with the consent of said commissioner, discharge him, upon assigning in writing his reason therefor to said commission. If he is not then discharged, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with the approval of the commission, make temporary appointment to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this act can be made.

§ 11. OFFICERS EXCEPTED FROM CLASSIFIED SERVICE. Officers who are elected by the people, or who are elected by the city council pursuant to the city charter, or whose appointment is subject to confirmation by the city council, judges and clerks of election, members of any board of education, the superintendent and teachers of schools, heads of any principal department of the city, members of the law department, and one private secretary of the mayor, shall not be included in such classified service.

§ 12. REMOVALS. No officer or employé in the classified civil service of any city, who shall have been appointed under said rules and after said examination, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission, or by or before some officer or board appointed by said commission, to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges, each member of the commission, and of any board so appointed by it, and any officer so appointed, shall have the power to administer oaths, and shall have power to secure by its subpoena both the



attendance and testimony of witnesses, and the production of books and papers relevant to such investigation. Nothing in this section shall be construed to require such charges or investigation in cases of laborers or persons having the custody of public money, for the safe keeping of which another person has given bonds.

§ 13. REPORTS TO COMMISSION. Immediate notice in writing shall be given by the appointing power, to said commission, and all appointments, permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

§ 14. INVESTIGATIONS. The commission shall investigate the enforcement of this act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in its city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations, each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigations.

§ 15. REPORT BY COMMISSION. Said commission shall, on or before the 15th day of January of each year, make to the mayor, for transmission to the city council, a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require a report from said commission at any other time.

§ 16. CHIEF EXAMINER. Said commission shall employ a chief examiner, whose duty it shall be, under the direction of the commission, to superintend any examination held in such city under this act, and who shall perform such other duties as the commission shall prescribe. The chief examiner shall be ex-officio secretary of said commission, under the direction of such commission; he, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall prescribe.

§ 17. OFFICERS TO AID—ROOMS. All officers of any city which shall have adopted this act shall aid said commission in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held shall allow reasonable use of public buildings for holding such examinations. The mayor of such city shall cause suitable rooms to be provided for said commission at the expense of such city.



§ 18. SALARIES AND EXPENSES. In cities having a population of one hundred thousand inhabitants, or more, each of said commissioners shall receive a salary of three thousand dollars a year; the chief examiner shall receive a salary of three thousand dollars a year. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of five dollars per day, and said commission may, in such city, also incur expenses not exceeding five thousand dollars per year, for clerk hire, printing, stationery and other incidental matters. In cities having a population of fifty thousand inhabitants and less than one hundred thousand, such commissioners shall receive an annual salary of one thousand five hundred dollars each, the chief examiner shall receive an annual salary of one thousand five hundred dollars. Any person not at the time in the official service of the city, serving as a member of the board of examiners, or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board, at the rate of three dollars per day, and said commission may, in such city, also incur expenses not exceeding three thousand dollars a year, for clerk hire, printing, stationery, and other incidental matters. In cities having a population of twenty-five thousand and less than fifty thousand inhabitants, such commissioners shall receive an annual salary of one thousand dollars each, and the chief examiner shall receive an annual salary of one thousand dollars. In cities having a population of less than twenty-five thousand inhabitants, such commissioners shall receive an annual salary to be fixed by the city council of such cities, not to exceed five hundred dollars each; the chief examiner shall receive an annual salary to be fixed by the city council of such cities, not to exceed five hundred dollars. In cities having a population of less than fifty thousand inhabitants, any person, not at the time in the official service of the city, serving as a member of the board of examiners, or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board, at the rate of two dollars per day, and said commission may, in such city, also incur expenses not exceeding two thousand dollars per year, for clerk hire, printing, stationery, and other incidental matters.

§ 19. APPROPRIATIONS. A sufficient sum of money shall be appropriated each year by each city which shall adopt this act, to carry out the provisions of this act in such city. In such cities as shall have already made the annual appropriation for municipal purposes for the current fiscal year, the mayor is authorized and required to pay the salaries and expenses as herein provided for such fiscal year out of the moneys appropriated for contingent purposes by such municipality, or out of any moneys not otherwise appropriated.

§ 20. FRAUDS PROHIBITED. No person or officer shall willfully or corruptly by himself or in coöperation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing, or willfully or corruptly make any false representation concerning the same, or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, being appointed, employed or promoted.

§ 21. NO OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS. No officer or employé of such city shall solicit, orally or by letter, or receive or pay, or be in any manner concerned in soliciting, receiving or paying, any assessment, subscription or contribution for any party or political purpose whatever.

§ 22. NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EMPLOYEES. No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or any political purpose whatever, from any officer or employé in any department of the city government of any city which shall adopt this act.

§ 23. ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN. No person shall in any room or building occupied for the discharge of official duties by any officer or employé in any city which shall adopt this act, solicit, orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employé under the government of such city, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for receiving or giving notice of any political assessments.

§ 24. PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS PROHIBITED. No officer or employé in the service of such city shall, directly or indirectly, give or hand over to any officer or employé in said service, or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing, on account of or to be applied to, the promotion of any party or political object, whatever.

§ 25. ABUSE OF OFFICIAL INFLUENCE PROHIBITED. No officer or employé of such city shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

§ 26. PAYMENT FOR PLACES PROHIBITED. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay, or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no officer or employé shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

§ 27. RECOMMENDATIONS IN CONSIDERATION OF POLITICAL SERVICES PROHIBITED. No applicant for appointment or promotion in said classified civil service shall ask for or receive a recommendation or assistance from any officer or employé in said service, or of any person upon the consideration of any political service to be rendered to or for such person or for the promotion of such person to any office or appointment.

§ 28. ABUSE OF POLITICAL INFLUENCE PROHIBITED. No person while holding any office in the government of such city, or in nomination for, or while seeking a nomination for, or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary upon the consideration or condition that the vote or political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

§ 29. AUDITING OFFICER. No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act.

§ 30. APPOINTMENTS AND REMOVALS TO BE CERTIFIED TO THE COMPTROLLER. The commission shall certify to the comptroller or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal or resignation or death, and all findings made or approved by the commission under the provisions of section twelve of this act, that a person shall be discharged from the classified civil service.

§ 31. COMPTROLLER TO PAY SALARIES ONLY AFTER CERTIFICATION. No comptroller or other auditing officer of a city which has adopted this act shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employé of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

§ 32. PAYMASTERS, ETC., TO PAY SALARIES ONLY AFTER CERTIFICATION. No paymaster, treasurer, or other officer or agent of a city which has adopted this act shall willfully pay, or be in any



manner concerned in paying any person any salary or wages for services as an officer or employé of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

§ 33. COMPELLING TESTIMONY OF WITNESSES. PRODUCTION OF BOOKS AND PAPERS. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioner, or by any board or person acting under the orders of the commission, in the course of an investigation conducted either under the provisions of section twelve or section fourteen of this act, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in section thirty-four of this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, and shall be paid from the appropriation for the expenses of the commission. Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer or board, may in his discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board or officer, by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall swear or affirm willfully, corruptly and falsely shall be guilty of perjury, and upon conviction shall be punished accordingly.

§ 34. PENALTIES. Any person who shall willfully, or through culpable negligence, violate any of the provisions of this act, or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment in the discretion of the court.

§ 35. PENALTIES—DISQUALIFICATION TO HOLD OFFICE. If any person shall be convicted under the next preceding section, any public office or place of public employment which such person may hold shall, by force of such conviction be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

§ 36. WHAT OFFICERS TO PROSECUTE. Prosecutions for violations of this act may be instituted either by the Attorney General, the State's Attorney for the county in which the offense is alleged to have been committed, or by the commission, acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers.



§ 37. REPEAL. All laws or parts of laws which are inconsistent with this act, or any of the provisions thereof, are hereby repealed.

§ 38. ADOPTION. The electors of any city now existing or hereafter existing in this State, may adopt and become entitled to the benefit of this act in the following manner: Whenever one thousand of the legal voters of such city, voting at the last preceding election shall petition the judge of the county court of the county, in which such city is located, to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general State, county or city election; and if such proposition is not adopted at such election, the same shall in a like manner be submitted to a vote of the electors of such city by such county court upon like application at any general State, county or city election, thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid. If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election.

§ 39. The judge of such county court shall give at least ten days notice of the election at which such proposition is to be submitted by publishing such notice in one or more newspapers published within such city for at least five times, the first publication to be at least ten days before the day of the election; and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward at least ten days before such election. Such election shall be held under the election law in force in such city, except as herein otherwise provided. The proposition so to be voted for shall appear in plain, prominent type at the head of every ticket, and preceding the names of persons to be voted upon for any office at such election. If a majority of the votes cast upon such proposition shall be for such proposition, this act shall thereby be adopted by such city, and the mayor shall thereupon issue a proclamation declaring this act in force in such city.

§ 40. EMERGENCY. Whereas, an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

APPROVED March 20, 1895.

#### CIVIL SERVICE.

§ 1. Amends section 18 of the act of 1895 with reference to salaries and expenses.

AN ACT to amend an act entitled "An act to regulate the civil service of cities, approved March 20, 1895, in force March 20, 1895.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 18 of an act entitled "An act to regulate the civil service of cities," approved March 20, 1895, in force March 20, 1895, be amended so as to read as follows:

Section 18. Salaries and Expenses. In cities having a population of one hundred thousand inhabitants or more, each of said commissioners shall receive a salary of three thousand dollars a year; the chief examiner shall receive a salary of three thousand dollars a year. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of five dollars per day; and said commission may, in such city, also incur expenses not exceeding five thousand dollars per year, for clerk hire, printing, stationery and other incidental matters. In cities having a population of fifty thousand inhabitants and less than one hundred thousand, such commissioners shall receive an annual salary of one thousand dollars each; the chief examiner shall receive an annual salary of one thousand dollars. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board, at the rate of three dollars per day; and said commission may, in such city, also incur expenses not exceeding two thousand dollars a year, for clerk hire, printing, stationery and other incidental matters. In cities having a population of twenty-five thousand and less than fifty thousand inhabitants, such commissioners shall receive an annual salary of one hundred dollars each, and the chief examiner shall receive an annual salary of five hundred dollars. In cities having a population of less than twenty-five thousand inhabitants, such commissioners shall receive an annual salary to be fixed by the city council of such cities, not to exceed fifty dollars each; the chief examiner shall receive an annual salary to be fixed by the city council of such cities, not to exceed one hundred dollars. In cities having a population of less than fifty thousand inhabitants, any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board, at the rate of two dollars per day, and said commission may, in such city, also incur expenses not exceeding two hundred dollars per year, for clerk hire, printing, stationery and other incidental matters.

APPROVED June 13, 1895.

#### OFFICERS OF MUNICIPAL CORPORATIONS.

§ 1. Amends section 77 of the act of 1872, so that its provisions as to qualifications of officers shall not apply to city engineers and attorneys.

AN ACT to amend an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section seventy-seven (77) of an act entitled "An act to provide for the incorpo-

ration of cities and villages," approved April 10, 1872, in force July 1, 1872, be amended so as to read as follows:

No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation: *Provided, however,* this shall not apply to the appointment or election of city engineer in incorporated cities and villages: *And, Provided,* that the same shall not apply to appointment of attorneys in incorporated villages, if such appointee be not a defaulter to the corporation.

APPROVED June 21, 1895.

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#### OF THE ORGANIZATION OF CITIES AND VILLAGES.

§ 1. Amends section 13 of the act of 1892 by compelling municipalities to file record in the office of the Secretary of State within three months, who shall thereupon issue charter.

*AN ACT to amend section thirteen (13) of article one (1) of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section thirteen (13) of article one (1) of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be, and the same is hereby, amended so as to read as follows:

Section 13. The corporate authorities of any city or village which may become organized under this act, shall within three (3) months after organization hereunder, cause to be filed in the office of the recorder of deeds of the county in which such city or village is situated, a certified copy of the record of the county court, or of the city or village, in the matter of such organization showing the canvass of the votes and the result of the election, whereby such city or village became so organized, and the recorder of deeds shall record the same. And upon such record having been duly recorded by the recorder of deeds aforesaid, he shall immediately transmit the same to the Secretary of State together with his certificate of such recordation, endorsed thereon or annexed thereto, and it appearing from the recitals in said record that the provisions of this act have been duly complied with, the Secretary of State shall file the same and charter said city or village by his certificate duly authenticated under his hand and the great seal of State. The Secretary of State shall keep a register of cities and villages organized under the provisions of this act.

APPROVED June 7, 1895.

## OF THE ORGANIZATION OF CITIES AND VILLAGES.

§ 1. Amends section 1 of the act of 1872, providing that the question of incorporation may be submitted at the ensuing municipal election or at a special election.

AN ACT to amend an act entitled "*An act to amend section one (1) of article one (1) of 'An act to provide for the incorporation of cities and villages,' approved April 10, 1872.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to amend section one (1) of article one (1) of an act to provide for the incorporation of cities and villages,*" approved April 10, 1872, be amended so as to read as follows:

Section 1. That any city now existing in this State may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city voting at the last preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question to a vote of the electors of said city at the next ensuing municipal election of said city, or at a special election to be designated by them, and to give the notice required by law.

APPROVED June 21, 1895.

## OF THE ORGANIZATION OF CITIES AND VILLAGES.

§ 1. Elections held since July 1, 1891, for organization of villages or pleasure driveway or park districts, not in conformity with ballot law, legalized and made valid.

AN ACT to legalize elections relating to the incorporation of cities, villages, pleasure driveway and park districts held since July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That wherever an election has been held in this State to incorporate under and by virtue of "*An act to provide for the incorporation of cities and villages,*" approved April 10, 1872, and in force July 1, 1872, or "*An act to provide for the creation of pleasure driveway and park districts,*" approved June 19, 1893, and in force July 1, 1893, and where such election for such purpose has not been held under or in conformity with an act entitled "*An act to provide for the printing and distribution at the public expense, and for the nomination of candidates for public office, to regulate the manner of holding elections and to enforce the secrecy of the ballot,*" approved and in force July 1, 1891, but has been held in substantial compliance with the laws of this State regulating elections prior to the passage of said act; such election so held for the purpose or purposes aforesaid, shall be in all respects deemed, and the same is hereby declared to be, legal, valid and binding,



and the organization of any such municipality or municipalities, and election of officers of any such city, village, pleasure driveway and park district, are hereby legalized and made effective, and all acts of any such city, village, pleasure driveway and park district, if otherwise legal, are also legalized and made valid and binding.

APPROVED June 17, 1895.

#### REMOVAL OF SITE.

§ 1. Authorizes municipality threatened by encroachment of river to change its site.  
 § 2. Proceedings — Three-fourths voters, and one-half owners of remaining territory to petition authorities — Ordinance — Rights preserved.

§ 3. Title of acquired land vests upon compliance with section 2.

*AN ACT to authorize cities, villages, towns, and the inhabitants of any limited territory holding any lands as a common, cities, villages, and towns who are endangered by the washing away of the banks of any river, to transfer their site and preserve the rights, powers and names of such cities, towns, villages, or inhabitants.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That* whenever any city, village, or town incorporated under any general or special law of this State, shall, by reason of the washing away of the banks of any river, be in danger of losing all, or the greater portion of the lands or territory embraced within its corporate limits; or, whenever the inhabitants of any limited territory within this State, who, as such inhabitants, of such territory, have any lands within this State held as a common, by virtue of any grant by any person, body politic or corporate, or government having power to make such grant, shall, by reason of the washing away of the banks of any river as aforesaid, be in danger of losing all or the greater portion of the territory, to the inhabitants of which such grant is made, such cities, villages, towns, or the inhabitants of such territory holding under such grant, shall have the right to acquire by gift or purchase, suitable real estate, to which the site of such city, village, or town, or of the residence of the inhabitants of the territory holding under such grant, may be removed: *Provided*, said real estate shall be within three miles of the former nearest limit of said city, village, town or territory, and shall not be more than shall be reasonably necessary for the purposes of a new site.

§ 2. That when such city, village, town or territory is endangered as mentioned in section 1 of this act, on petition, in writing, describing the property sought to be acquired, and signed by not less than three-fourths of the legal voters of said city, village, town or territory, and by not less than one-half in value of the remaining territory within the limits of such city, village,

town or territory, the city council or board of trustees of such city, village or town, or the trustees of such lands held as a common may, by ordinance, acquire the property described in the petition, and the same whether actually adjoining the former site or territory or not, shall, upon filing a copy of such ordinance and an accurate map of the property, duly certified by the mayor of the city, president of the board of trustees of the village or town, or trustees of such common, in the office of the recorder of deeds in the county where the acquired real estate is situated, become and be a part of such city, village, town or territory, and the inhabitants of such real estate so acquired, shall be entitled to all the corporate rights, powers, annuities, commons, benefits and franchises, which the inhabitants of such city, village, town or territory originally possessed, or to which they were entitled.

§ 3. Upon the presentation of the petition and the passage of the ordinance mentioned in section two of this act, such city, village, town or the inhabitants of such territory, shall have full power to acquire the title to the real estate in such petition and ordinance described, either by gift or by purchase, and a deed of conveyance to the city, village or town, by its corporate name, or to the trustees of the common, shall vest the title of said land for the purposes of this act.

APPROVED June 21, 1895.

#### SCHOOL INSPECTORS.

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| § 1. Increases number of school inspectors,<br>elected under special acts, from six to<br>seven members. | § 2. Emergency. |
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*AN ACT increasing the number of school inspectors, elected under special acts, from six to seven members.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State, having over 10,000 and less than 100,000 inhabitants, whose schools are now operated under special law and where by such special law, boards of school inspectors, consisting of six members (three in each of two districts) are elected, such boards shall hereafter consist of seven members, and at the time other members of such boards are elected in April, 1895, and each three years thereafter, such additional member shall be elected for a term of three years, by all the voters entitled to vote at school elections, of the entire school territory embraced in said two districts; and whenever such additional member is to be elected, he shall be designated and voted for as "member of board of school inspectors at large."

§ 2. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED March 6, 1895.

## SIDEWALKS IN UNINCORPORATED VILLAGES.

§ 1. Authorizes highway commissioners to build sidewalks in unincorporated villages.

*AN ACT authorizing the highway commissioners of a township to construct sidewalks in unincorporated villages.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That highway commissioners are authorized to build sidewalks in unincorporated villages out of any delinquent road tax belonging to the road district in which such village is located.

APPROVED June 21, 1895.

## SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

§ 1. Amends section 17, article 9, Act of 1892, by providing that the special assessment shall not exceed the special benefits to be derived from improvement.

*AN ACT to amend section 17, article 9, of an act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July first, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 17, of article 9, of "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July first, 1872, be, and the same is hereby, amended so as to read as follows:

Section 17. When said ordinance under which said local improvement shall be ordered, shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act, providing for the mode of making, levying, assessing and collecting special assessments: *Provided*, that no special tax shall be levied or assessed upon any property to pay for any local improvement, in an amount in excess of the special benefit which such property shall receive from such improvement. Such ordinance shall not be deemed conclusive of such benefit, but the question of such benefit and of the amount of such special tax shall be subject to the review and determination of the county court, and be tried in the same manner as in proceedings by special assessments.

APPROVED June 21, 1895.

## TO PENSION FIRE INSURANCE PATROLMEN.

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| § 1. Fund for pensioning fire insurance patrolmen, their widows and children, to be controlled by a Board of Trustees.<br>§ 2. Trustees to control all money donated, paid or assessed—Assessments—Duties of trustees.<br>§ 3. All rewards to be paid into pension fund.<br>§ 4. Investment of funds.<br>§ 5. Disabled member—Payment of pension.<br>§ 6. Death of member, pension to widow and children—How paid. | § 7. Retired members—Pension.<br>§ 8. Application of act.<br>§ 9. Treasurer of Board of Trustees—Duties and bond.<br>§ 10. Moneys—How paid.<br>§ 11. Trustees' annual report.<br>§ 12. Fund exempt from process of law. |
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*AN ACT to create an organization and a fund for the pensioning of disabled fire insurance patrolmen, and the widows and children of deceased patrolmen, and authorizing the retirement from service and the pensioning of members of the fire insurance patrol in cities, villages and towns where the population exceeds 50,000 inhabitants, having a paid fire insurance patrol.*

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, villages or incorporated towns whose population exceeds 50,000, having a paid fire insurance patrol, a fund may be created by the board of underwriters of such cities, villages or towns for the pensioning of disabled fire insurance patrolmen and the widows and children of deceased patrolmen; to authorize the retirement from service and the pensioning of members of the fire insurance patrol, and for other purposes connected therewith. Such fund shall be controlled and managed by a board of trustees composed of the president, secretary, treasurer, chairman of the patrol committee, and the superintendent or chief officers of the fire insurance patrol of the board of underwriters of such city, village or town, under the name of "The Board of Trustees of the Patrolmen's Pension Fund." The said board shall select from their number a president, secretary and treasurer.

§ 2. The said board of trustees shall have exclusive control and management of all money donated, paid or assessed for the relief or pensioning disabled, superannuated and retired members of the fire insurance patrol, their widows and minor children, and shall assess each member of the fire insurance patrol not to exceed one per cent. of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed. And the treasurer of the board of underwriters of such city, village or town shall set aside and pay to the treasurer of said board of trustees not to exceed two per cent. of all moneys paid to him by insurance companies for the support of said fire insurance patrol, the same to be placed by the treasurer of said board of trustees to the credit of such fund, subject to the order of such board of trustees. The said board shall make all needful rules and regulations for its government in the discharge of its duties; shall hear



and decide all applications for relief or pension under this act, and its decisions on such applications shall be final and conclusive and not subject to review or reversal except by the board of trustees. The said board of trustees shall cause to be kept a record of all its meetings and proceedings.

§ 3. All rewards in moneys, fees, gifts and emoluments that shall be paid or given for or on account of extraordinary services by said fire insurance patrol, or any member thereof (except when allowed to be retained by such member, or given to endow a medal or other permanent or competitive award) shall be paid into said pension fund.

§ 4. The said board of trustees may invest such funds, or any part thereof, in the name of the board of trustees of the patrolmen's pension fund in such interest-bearing securities as may be approved by the said board of trustees, and all such securities shall be deposited with the treasurer and shall be subject to the order of said board of trustees.

§ 5. If any member of the fire insurance patrol of such city, village or town shall, while in the performance of his duty, become and be found upon examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in said fire insurance patrol, said board of trustees shall retire such member from service in such fire insurance patrol. Upon such retirement, the said board of trustees shall order the payment to said disabled member of said fire insurance patrol, monthly from such pension fund, a sum equal to one-half of the monthly compensation allowed to such member as salary at the date of his retirement.

§ 6. If any member of such fire insurance patrol shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or if any member of such fire insurance patrol shall die from any cause while in said service, or during retirement, or after retirement, after twenty-two years' service, as hereinafter provided, and shall leave a widow, or children under sixteen years of age surviving, said board of trustees shall direct the payment from said pension fund of the following sum monthly, to-wit: To such widow while unmarried, \$30.00; to the guardian of such minor child or children, \$6.00, for each of said children until it or they reach the age of sixteen years: *Provided*, that there shall not be paid to a family of a deceased member, a total pension exceeding one-half the monthly salary of said deceased member at the time of his decease, or if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then, and in that event, an equal per-

centage of such monthly payments shall be made to each beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of said persons.

§ 7. Any member of the fire insurance patrol of any city, village or town, after becoming fifty years of age and having served twenty-two years or more in such fire insurance patrol, of which the last two years shall be continuous, may make application to be relieved from such fire insurance patrol, or if he shall be discharged from such fire insurance patrol, the said board of trustees shall order and direct that such person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire insurance patrol at the date of his retirement or discharge. And the said board, upon the recommendation of the superintendent or chief officer of the patrol provided for in this act, shall have the power to assign members of the fire insurance patrol, retired or drawing pensions under this act, to the performance of light duties in said fire insurance patrol. After the decease of such member, his widow, or minor child or children under sixteen years of age, if any surviving, shall be entitled to the pension provided for in this act. But nothing in this or any other section of this act shall warrant the payment of any annuity to any widow of a deceased member of such fire insurance patrol after she shall have remarried.

§ 8. This act shall apply to all persons who are now or shall hereafter become members of such fire insurance patrol, and all such persons shall be eligible to the benefits secured by this act.

§ 9. The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as shall be prescribed by the board of trustees; and the said books and accounts shall always be subject to the inspection of the board of trustees or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the board of underwriters, with good and sufficient security, in such penal sum as the board shall direct, to be approved by the board of trustees, conditioned for the faithful performance of the duties of his office, and that he will safely keep, hold and truly account for all moneys and property which may come into his hands as such treasurer, and that upon the expiration of his term of office he will surrender and turn over to his successor all unexpended moneys and all property which may have come into his hands as treasurer of such fund. Such bond shall be filed in the office of the board of underwriters, and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of such board of underwriters, for the use of such board or of any person or persons injured by such breach.

§ 10. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board, only upon warrants signed by the president of the board and counter-

signed by the secretary thereof, and no warrant shall be drawn except by order of the board of trustees and duly entered in the record of the proceedings of the board. In case the said pension fund or any part thereof shall by order of said board of trustees, or otherwise, be deposited in any bank or loaned, all interest on money which may be paid or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of such fund: *Provided*, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit such fund, or any part of such fund, unless so authorized by the board of trustees.

§ 11. The board of trustees shall make report to the board of underwriters of such city, village or town of the condition of such pension fund on the first day of January of each and every year.

§ 12. No portion of said pension fund shall, either before or after its order of distribution by such board to such disabled members of said fire insurance patrol, or to the widow or guardian of such minor child or children of deceased or retired member of such fire insurance patrol, be held, seized, taken, subjected to, or detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceeding whatever issued of, or by any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand, or judgment against such member, or his widow, or the guardian of said minor child or children of any deceased member, but the said fund shall be sacredly held, kept secure and distributed for the purpose of pensioning the persons named in this act and for no other purpose whatever.

APPROVED June 24, 1895.

#### TO TAX FOREIGN FIRE INSURANCE COMPANIES.

§ 1. Foreign fire insurance companies to pay to municipality for the use and benefit of fire department a tax or license fee not exceeding 2 per cent. of local gross receipts.

§ 2. Violators of this act subject to indictment—Penalty—Recovery of tax or license fee.

§ 3. Repeal.

AN ACT, entitled, "*An act to enable cities, towns and villages, organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments.*"

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly: That all corporations, companies and associations not incorporated under the laws of this State, and which are engaged in any city, town or village organized under any general or special law of this State, in effecting fire insurance shall pay to the treasurer of the city, town or village, for the maintenance, use and benefit of the fire department thereof, a sum of not exceeding two per cent. of the gross*



receipts received by their agency in such city, town or village. Cities, towns and villages are hereby empowered to prescribe by ordinances the amount of tax or license fee to be fixed, not in excess of the above rate; and at that rate such corporations, companies and associations shall pay, upon the amount of all premiums, which during the year ending on every first day of July shall have been received for any insurance effected or agreed to be effected in the city, town or village, by or with such corporation, companies or associations respectively. Every person who shall act in any city, town or village as agent or otherwise for or on behalf of any such corporation, company or association, shall, on or before the 15th day of July of each and every year, render to the city, town or village clerk, a full, true and just account, verified by his oath, of all the premiums which during the year ending on every first day of July preceding such report, shall have been received by him or any other person for him in behalf of any such corporation, company or association; and shall specify in said report the amounts received for fire insurance. Such agents shall also pay to the treasurer of any such city, town or village at the time of rendering the aforesaid report, the amount of rates fixed by the ordinances of the said cities, towns or villages for which the companies, corporations or associations represented by them are severally chargeable by virtue of this act, and the ordinances passed in pursuance hereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city, town or village until the said requisitions shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

§ 2. Any person or persons violating any of the provisions of this act shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand (1,000) dollars, or imprisoned in the county jail, not exceeding six (6) months, either or both in the discretion of the court. The amount of said tax or license fee may also be recovered of said corporation, company or association, or its agent, by an action in the name, and for the use of any such city, town or village as for money had and received: *Provided*, that this act shall only apply to such cities, towns and villages as have an organized fire department, or maintain some organization for the prevention of fires.

§ 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

This bill having remained with the Governor for the period of ten days, Sundays excepted, after having been presented to him, and he having neither approved the same, nor returned it with his objections thereto, to the House in which it originated, and the General Assembly being in session, it becomes a law in like manner as if he had signed it.

Witness my hand this 31st day of May, A. D. 1895.

W. H. HINRICHSSEN,  
*Secretary of State.*



## WARRANTS OF MUNICIPAL CORPORATIONS TO BEAR INTEREST.

§ 1. Municipal warrants to bear 5% interest unless paid within thirty days—Notice.

*AN ACT to provide for payment of interest on warrants of municipal corporations.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any warrants shall hereafter be lawfully drawn by the proper officers of any city, village or town for the payment of money out of any particular fund in anticipation of the collection of a tax heretofore levied for such fund, such warrants shall, unless paid within thirty days after their issuance, bear interest, payable out of such fund and tax levy, at the rate of five per centum per annum from their respective dates until paid, or until notice shall be given by publication in a newspaper, or otherwise, to their holders that the money for their payment is available and that they will be paid on presentation.

APPROVED June 15, 1895.

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CLERKS OF COURTS.

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## IN RELATION TO FEE BILLS.

§ 1. Amends the act of 1859 by providing that fee bills may be issued at any time within 7 instead of 11 years, after judgment.

*AN ACT to amend "An act in relation to issuing fee bills," approved and in force February 24, 1859.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act in relation to issuing fee bills," approved and in force February 24, 1859, be and the same is hereby amended to read as follows:

Section 1. That hereafter, any clerk of any court of record in this State may upon proper precipe filed in his office therefor, issue fee bills for costs at any time within seven (7) years after the rendition of the judgment or accruing of the right to issue the same; which fee bills shall have the same force and effect as if issued within the year next succeeding the judgment.

APPROVED June 21, 1895.

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OFFICES OF CLERKS OF COURT.

§ 1. Amends section 6 of the Act of 1874 by providing that courts may, by rule, fix the office hours of clerks.

*AN ACT to amend section six of an act entitled "An act to revise the law in relation to clerks of courts," approved March 25, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six of

an act entitled "An act to revise the law in relation to clerks of courts," approved March 25, 1874, be, and the same is hereby amended, so as to read as follows:

Section 6. The clerks of the Circuit Courts and of the Superior and Criminal Courts of Cook county, and the clerks of the County Courts shall keep their offices at the court house of their respective counties, or at such other place as may be provided for them by the authorities of their respective counties, and shall keep their offices open, and attend to the duties thereof from eight o'clock A. M. to six o'clock P. M. of each working day: *Provided*, that in counties of two hundred thousand population or over, the clerks of the courts herein named shall keep their offices open and attend to the duties thereof during such hours on each day, and on such days, as may be ordered by the rule of the court in such county, which rule may be changed from time to time as the judge or judges of said court may see fit.

APPROVED June 17, 1895.

## CONVEYANCES.

### LAND TITLES.

#### RECORDERS EX-OFFICIO REGISTRARS.

- § 1. Recorders to be ex-officio Registrars.
- § 2. Registrar's bonds.
- § 3. Deputies—Powers and duties.
- § 4. Registrar and deputy debarred from practicing as attorney while in office.
- § 5. Attorneys to be appointed examiners of titles.
- § 6. Registrar's liability.

#### BRINGING LAND UNDER ACT.

- § 7. Application for registration of lands.
- § 8. Fee simple to be first registered.
- § 9. Lesser estate, etc., to be noted on certificate of title.
- § 10. Title by tax sale.
- § 11. Application—Form and requisites.
- § 12. Any number of pieces of land may be included in one application.
- § 13. Amendment of application.
- § 14. Examination of applicant's title.
- § 15. Issuance of certificate of title.
- § 16. Withdrawal of application.

- § 17. Written opinion of two examiners necessary.
- § 18. Death of applicant.
- § 19. List of first registrations to be published weekly.

#### CERTIFICATE OF TITLE.

- § 20. Certificates of title—Requisites.
- § 21. Certificates of title—Form.
- § 22. Tenants in common may receive certificates for entirety or undivided share.
- § 23. New certificates.
- § 24. Loss of duplicate certificate supplied by certified copy of original certificate.

#### THE REGISTER.

- § 25. Register of Titles.
- § 26. Receipt for duplicate certificate of title.
- § 27. When deemed to be registered.
- § 28. When transfer deemed to be registered.

#### EFFECT OF REGISTRATION.

- § 29. Rights of registered owner.
- § 30. Title to registered land by length of possession precluded.

- § 31. Fraud—Effect of in transfer.
- § 32. Specific performance—Certificate of title conclusive evidence of plaintiff's title.
- § 33. Ejectment, etc., certificate conclusive in evidence.
- § 34. Registers of land and copies conclusive copies.
- § 35. Memorial to be carried forward.
- § 36. Agreement implied, to run with land, that it be subject to terms of act.
- § 37. Suits for recovery—Limitation, 5 years.
- § 38. Notice of adverse title, counter claim, etc.

## TRANSFER.

- § 39. Conveyance.
- § 40. When part of land transferred—New certificate.
- § 41. File marks on deeds, etc.
- § 42. Instruments to remain in Registrar's office.
- § 43. Present forms of instruments sufficient.
- § 44. Endorsement upon instruments presented for registration.
- § 45. Deeds, etc., to take effect only as contracts—Transfer to be perfected on completion of registration.
- § 46. Where transfer registered.
- § 47. What certificate shall state.

## MORTGAGES, LEASES AND OTHER CHARGES.

- § 48. Mortgages, liens, etc., may be registered.
- § 49. Proceedings.
- § 50. Trust deed subject to same rules as a mortgage.
- § 51. Of duplicates or triplicates, only one to be filed.
- § 52. Certified copies.
- § 53. Assignment of charge or interest.
- § 54. Release, discharge, surrender—How effected.
- § 55. Charges—Enforced as now provided by law.

## ATTORNEYS IN FACT.

- § 56. Power of attorney to be filed.

## TRUSTS, CONDITIONS AND LIMITATIONS.

- § 57. Conditions, limitations, etc., to be noted on instruments filed.

- § 58. Registration of same.

## TRANSMISSION.

- § 59. Upon death of owner.
- § 60. Personal representative of deceased owner to file copies of letters of administration, or will, etc.
- § 61. Administrator or executor to sell only on order of court.
- § 62. Powers of administrator or executor.
- § 63. Executor entitled to transfer.
- § 64. Executor, under will empowering him to sell.
- § 65. Proof of heirship—Conclusive evidence.
- § 66. Probate court may order sale of land.
- § 67. Court may direct transfer to heirs or devisees of registered lands in anticipation of final distribution.
- § 68. Final distribution.

## DEALINGS OF ASSIGNEES, RECEIVERS, MAS-TERS, ETC.

- § 69. In assignments, receiverships, etc., certified copy of order of court to be filed—Memorial.
- § 70. Powers of assignee upon filing of memorial.

## TAX SALES.

- § 71. Memorial of tax sale—Certificate—Duty of holder—Notice.
- § 72. Effect of tax deed—Certificate of title not to be issued for two years.

## LIS PENDENS—NOTICE.

- § 73. Doctrine of *lis pendens* as governed by this act.
- § 74. When judgment or decree becomes lien.

## ATTACHMENT, EXECUTION, ETC., LIENS.

- § 75. When lien arises under attachment, execution, etc.
- § 76. Claim under lien law.
- § 77. Claimants of lien—Affidavit—Memorial.
- § 78. Statutory lien—Memorial.
- § 79. Cancellation of liens by Registrar.

## PROCEEDINGS IN CHANCERY.

- § 80. Jurisdiction of courts sitting in chancery.
- § 81. Remedy of person aggrieved.

§ 82. Court may award damages and attorney's fees.

INDICES.

§ 83. Registrar to keep reference tract indices.

§ 84. Alphabetical indices.

PENALTIES.

§ 85. Fraudulent procurement of certificate of title—Penalty.

§ 86. Forgery, etc., penalty.

§ 87. Remedy over.

FEEs.

§ 88. Fee of Registrar.

§ 89. Act to be liberally construed.

§ 90. Bringing land under act—charges of Registrar.

§ 91. Investment of funds.

§ 92. Damages.

§ 93. Limitation.

§ 94. Act to be submitted to the people.

AN ACT concerning land titles.

RECORDERS EX-OFFICIO REGISTRARS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That recorders and ex-officio recorders of deeds in the several counties in this State shall be registrars of titles in their respective counties. Their deputies shall be deputy registrars. All laws relative to recorders and their deputies, including their compensations, clerk hire and expenses, shall extend to registrars and their deputies, so far as the same may be applicable.

§ 2. Every recorder and ex-officio recorder shall, before entering upon his duties as registrar, give a bond, with sufficient security, to be approved by the judge of the county court, payable to the People of the State of Illinois, in the penal sum of \$50,000 (except that in counties having a population of more than 100,000 inhabitants, the penalty of the bond shall be \$200,000), conditioned for the faithful discharge of his duties, and to deliver up all papers, books, records and other property belonging to the county or appertaining to his office as registrar of titles, whole, safe and undefaced, when lawfully required so to do, which bond shall be filed in the office of the Secretary of State and a copy thereof entered upon the records of the county court.

§ 3. Deputies may perform any and all duties of the registrar in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar, and in case of the death of the registrar or his removal from office, the chief deputy shall thereupon become the acting registrar until such vacancy shall be filled according to law, and he shall file a like bond and be vested with the same powers and subject to the same responsibilities and entitled to the same compensation as in the case of the registrar.

§ 4. No registrar or deputy registrar shall practice as attorney or counselor-at-law, nor be in partnership, while in office, with any attorney or counselor-at-law so practicing.



§ 5. The registrar shall appoint, in his county, two or more competent attorneys, to be examiners of titles and legal advisers of the registrar. Their compensation shall be fixed in the same manner as that of deputy registrars.

§ 6. The registrar shall be liable for any neglect or omission of the duties of his office, when occasioned by a deputy or examiner of titles, in the same manner as for his own personal neglect or omission.

#### BRINGING LAND UNDER ACT.

§ 7. The owner of any estate or interest in land, whether legal or equitable, and whoever has the power of appointing or disposing of the entire legal estate in fee simple, may apply to the registrar of the county in which the land is situated to have his title registered. He may apply in person or by an attorney in fact authorized so to do. A corporation may apply by its authorized agent; an infant, by his natural or legal guardian; any other person under disability, by his legal guardian. The person in whose behalf the application is made shall be named as applicant.

§ 8. No mortgage, lien, charge or lesser estate than a fee simple shall be registered unless the fee simple to the same land is first registered.

§ 9. It shall not be an objection to bringing land under this act, that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien or charge, but every such lesser estate, mortgage, lien or charge shall be noted upon the certificate of title and the duplicate thereof, hereinafter provided for, and the title, or interest certified shall be subject only to such estates, mortgages, liens and charges as are so noted, except as herein provided.

§ 10. No title derived through sale for any tax or assessment shall be entitled to be first registered, unless it shall be made to appear to the registrar that the applicant or he and those through whom he claims title have been in the actual and undisputed possession of the land under such title at least ten years, and shall have paid all taxes and assessments legally levied thereon for seven successive years of that time.

§ 11. The application shall be in writing, signed and sworn to by the applicant or the person acting in his behalf. It shall set forth substantially: *a.* The name and place of residence of the applicant, and if the application is by one acting in behalf of another, the name and place of residence and capacity of the person so acting. *b.* Whether the applicant (except in the case of a corporation) is married or not, and, if married, the name and residence of the husband or wife. *c.* The description of the land. *d.* The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead. *e.* Whether the land is occupied or unoccupied, and if occupied, the name and postoffice address of each occupant, and what estate or interest he has or

claims in the land. *f.* Whether the land is subject to any lien or incumbrance, and, if any, give the name and postoffice address of each holder thereof, and the nature and amount of the same, and, if recorded, the book and page of the record. *g.* Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and if any, set forth the name and postoffice address of every such person and the nature of his estate or claim. *h.* If the applicant is a male, that he is of the full age of twenty-one years; if a female, that she is of the full age of eighteen years. If the application is on behalf of a minor, the age of such minor shall be stated. If the application is by a husband or wife, the other shall by endorsement thereon acknowledged, as in case of deeds, signify his or her assent to the registration as prayed.

§ 12. Any number of pieces of land in the same county, and owned by the same person, and in the same right, may be included in one application.

§ 13. The application may be amended only by supplemental statement in writing, signed and sworn to as in the case of the original.

§ 14. Upon such application being filed with the registrar, he shall cause examination to be made into the applicant's title to the land and as to the truth of the matter set forth in the application, and particularly whether the land is occupied; the nature of the occupation if occupied, and by what right, and shall notify all persons who shall appear by the application or otherwise to have any interest in, or lien or claim upon the land, of such application,—a copy of which notice shall be posted upon the premises in a conspicuous place at least ten (10) days before the granting of the certificate of title. No applicant for the registration of any interest in land under this act shall be required to furnish with his application an abstract of title, or other evidence, except of instruments which are not then of record in the office of the recorder of the county in which the land is situated; but it shall be the duty of the examiners to examine, as the basis of their opinion, the full records of all instruments which are then of public record in said office, together with the original instruments, or abstracts thereof, of which the records have been destroyed by fire or otherwise. If any defects are found in the title which he thinks may be removed, he shall notify the applicant of the same and give him a reasonable time to remove such defects before finally passing upon his application.

§ 15. If it shall be made to appear to the registrar that the facts stated in the application are true, and that the applicant is the owner of the land, or interested therein as set forth in the application, he shall issue a certificate of title, and proceed to bring the land under the operation of this act as hereinafter provided. Otherwise he shall dismiss the application without prejudice, and return the papers to the applicant.

§ 16. Any applicant may, upon payment of all fees due, withdraw his application for registration at any time prior to the issuing of a certificate of title, and the registrar shall, in such case, upon request in writing signed by such applicant, return to him all abstracts of title, deeds and other instruments deposited by him for the purpose of supporting his application.

§ 17. No certificate of title shall be issued in any case until the written opinion of at least two examiners shall be filed with the registrar to the effect that the applicant has a good title to the estate or interest in the land as stated in the application; and if the same is subject to any lesser estate, mortgage, lien or charge particularly specifying the same. The estate of homestead shall be included in the term lesser estate.

§ 18. In case the applicant shall die between the application and the completion of the registration, the same may be completed in the name of the applicant, and the title to the land shall devolve in like manner as if the registration had been completed prior to the death of such applicant.

§ 19. The registrar shall as often as once in each week make out and publish in a newspaper published in his county, a list of all first registrations effected during the preceding week. The notice must contain a short description of the land, the name of registered owner and date of registration. Letters and figures may be used. As fast as such lists are published, the registrar shall post a copy of the same in his office, and keep the same so posted for the space of six months. He shall also immediately upon the registration of any land, make an entry thereof upon the tract index, with a reference to the book and folium of the register where the same is registered.

#### CERTIFICATE OF TITLE.

§ 20. Certificates of title shall be numbered consecutively. Every first and subsequent certificate of title shall be in duplicate, and bear date the day and year of its issue, and be under the hand and official seal of the registrar, one copy of which shall be retained by the registrar and be known as the original, and the other to be known as the duplicate, shall be delivered to the owner. It shall state whether the owner, except in the case of a corporation, is married or not married, and, if married, the name of the husband or wife. If the owner is a minor, it shall state his age; if under any other disability, the nature of the disability. The registrar shall note at the end of each certificate, original and duplicate, in such manner as to show and preserve their priorities, the particulars of all estates, mortgages, incumbrances, liens and charges, to which the owner's title is subject.

§ 21. The certificate of title may, subject to such changes as the case may require, be substantially in the following form:

STATE OF ILLINOIS, )  
 .....County. }

.....of (residence, and if a minor give his age; if under other disability, state the nature of the disability) married to (name of husband or wife, or if not married say not married) is the owner of an estate in fee simple (or as the case may be) in the following land (here describe the premises) subject to the estates, easements, incumbrances and charges hereunder noted. (In case of trust, condition or limitation, say "in trust" or "upon condition" or "with limitation" as the case may be.)

Witness my hand and official seal this (date).

[SEAL.] .....Registrar.

§ 22. In all cases where two or more persons are entitled as tenants in common to an estate in registered land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

§ 23. Upon the application of any registered owner of land held under separate certificates of title, or under one certificate, and delivering up such certificate or certificates of title, the registrar may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land in accordance with such application, and as far as the same may be done consistently with any regulations at the time being in force, respecting the parcels of land that may be included in one certificate of title, and upon issuing any such certificate of title, said registrar shall endorse on the last previous certificate of title of such land so delivered up a memorial, setting forth the occasion of such cancellation and referring to the volume and folium of the new certificate or certificates of title so issued.

§ 24. In the event of a duplicate certificate of title being lost, mislaid or destroyed, the owner, together with other persons, if any, having knowledge of the circumstances, may make affidavit before the registrar or before any officer authorized to administer oaths, stating the facts of the case, the names and description of registered owners, and the particulars of all mortgages, encumbrances or other matters affecting such land and the title thereto, to the best of applicant's knowledge and belief, and the registrar, if satisfied as to the truth of such affidavit, and the *bona fides* of the transaction, shall issue to the owner a certified copy of the original certificate, with the memorials, and notations appearing upon the register, and shall note upon the register the fact, cause and date of such issue, and shall also mark upon such certified copy, "Owner's certified copy, issued in place of lost (mislaid or destroyed, as the case may be) certificate," and such certified copy shall stand in the place of and have like effect as the missing duplicate certificate.



## THE REGISTER.

§ 25. The registrar shall keep a book, to be known as the "Register of Titles," wherein he shall enter all original certificates of title by binding or writing them therein, in the order of their numbers, with appropriate blanks for the entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register under the terms of this act shall be entered upon the folium constituted by the last certificate of title of the land to which they relate.

§ 26. Before the delivery of any duplicate certificate of title, a receipt for it in the handwriting of the owner may be required by the registrar to be signed by him when practicable, so as to prevent, so far as may be, personation or forgery. Where such receipt is signed or acknowledged in the presence of the registrar or a deputy, it may be witnessed by such officer. If signed elsewhere, it may be acknowledged before any officer authorized to take acknowledgments of deeds.

§ 27. In every case of first registration of land or an estate or interest therein, the same shall be deemed to be registered under this act, when the registrar shall have marked upon the certificate of title, in duplicate, the volume and folium of the register in which the original may be found.

§ 28. Every transfer of registered land shall be deemed to be registered under this act, when the new certificate to the transferee shall have been marked, as in the case of first registration; and all other dealing shall be considered as registered, when the memorial or notation thereof shall have been entered in the register upon the folium constituted by the existing certificate of title of the land. But, for the protection of the transferee or person claiming through any transfer or dealing, the registration shall relate back to the time of filing in the registrar's office, the deed, instrument or notice pursuant to which the transfer memorial or notation is made.

## EFFECT OF REGISTRATION.

§ 29. The registered owner of any estate or interest in land brought under this act shall, except in case of fraud to which he is a party, or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges and interests as may be noted in the last certificate of title in the registrar's office, and free from all others except: First—Any subsisting lease or agreement for a lease for a period not exceeding five years where there is actual occupation of the land under lease. The term lease shall include a verbal letting. Second—All public highways embraced in the description of the lands included in the certificate shall be deemed to be excluded from the certificate. Third—Any subsisting

right of way or other easement, however created, upon, over or in respect of the land. Fourth—Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title. Fifth—Such right of action or counter-claim as is allowed by this act. Sixth—The right of any person in possession of and rightfully entitled to the land, or any part thereof, or any interest therein adverse to the title of the registered owner at the time when the land is first brought under this act, and continuing in said possession until the issuance of such last certificate of title.

§ 30. After land has been registered, no title thereto, adverse or in derogation to the title of the registered owner, shall be acquired by any length of possession merely.

§ 31. Except in case of fraud, and except as otherwise herein provided, no person taking from the registered owner a transfer of registered land or any estate or interest therein, or of any charge upon the same, shall be held to inquire into the circumstances under which or the consideration for which the estate or interest of such owner or any previous registered owner was registered, or be effected with notice, actual or constructive, of any unregistered trust, lien, claim, demand or interest in the land and the knowledge that any unregistered trust, lien, claim, demand or interest is in existence, shall not of itself be imputed as fraud.

§ 32. In any suit for specific performance brought by a registered owner of any land under the provisions of this act, against a person who may have contracted to purchase such land, not having notice of any fraud, or other circumstances, which, according to the provisions of this act, would affect the right of the vendor, the certificate of title of such registered owner shall be held in every court to be conclusive evidence that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described.

§ 33. In any action or proceeding brought for ejectment, partition or possession of land, the certificate of title of a registered owner shall be held in every court to be conclusive evidence, except as herein otherwise provided, that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described; and that such registered owner is entitled to the possession of said land, except as against any person rightfully claiming possession under some estate, mortgage, lien or charge noted on the certificate.

§ 34. The register of any land and duly credited copies thereof shall, except as herein otherwise provided, be received in law and in equity as evidence of the facts therein stated, and as conclusive evidence that the person named therein as owner is entitled to the land for the estate or interests therein specified. The words "heirs and assigns" shall not be necessary to create a fee simple estate of inheritance.

§ 35. Whenever a memorial has been entered as permitted by this act, the registrar shall carry the same forward upon all certificates of title until the same is cancelled in some manner authorized by this act.

§ 36. All dealings with land or any estate or interest therein, after the same has been brought under this act, and all liens, incumbrances and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this act, and to such amendments and alterations as may hereafter be made. The bringing of land under this act shall imply an agreement, which shall run with the land, that the same shall be subject to the terms of the act and all amendments and alterations thereof.

§ 37. With the exceptions mentioned in section twenty-nine, no person shall commence any action at law or in equity for the recovery of land, or assert any interest, right in, or lien or demand upon the same or make entry thereon, adversely to the title or interest certified in the first certificate bringing the land under the operation of this act, unless within five years after the first registration. It shall not be an exception to this rule that the person entitled to bring the action or make the entry is an infant, lunatic, or is under any disability, but action may be brought by such person by his next friend or guardian. It shall be the duty of the guardian, if there is any, to bring action in the name of his ward, whenever it is necessary to preserve or enforce the ward's rights in registered land.

§ 38. Any person having any interest, right, title, lien or demand, whether vested, contingent or inchoate, in, to, or upon registered land, which existed at the time the land is first registered, and upon or for which no cause of action shall have accrued at the date of the registration of the land, may, prior to the expiration of said five years after such registration, file in the registrar's office a notice, under oath, setting forth his interest, right, title, lien or demand, and how and under whom derived, and the character and nature thereof, and if such notice or counter-claim is so filed, an action may be brought to assert or recover, or enforce the same at any time within one year after the right of action shall have accrued thereon, or at any time within the period of five years after said first registration, and not afterwards. It shall be the duty of a life tenant or trustee to file such counter-claim on behalf of any remainderman or reversioner, whether the remainder or reversion be at the time vested or contingent, and of a guardian to file such counter-claim on behalf of his ward.

#### TRANSFER.

§ 39. A registered owner of land desiring to transfer his whole estate or interest therein, or some distinct part or parcel thereof, or some undivided interest therein, or to grant out of his estate an estate for life or for a term of not less than ten years, may



execute to the intended transferee a deed or instrument of conveyance in any form authorized by law for that purpose. And upon filing such deed or other instrument in the registrar's office and surrendering to the registrar the duplicate certificate of title, and upon its being made to appear to the registrar that the transferrer has the title or interest proposed to be transferred and is entitled to make the conveyance and that the transferee has the right to have such estate or interest transferred to him, he shall issue in duplicate and register as hereinbefore provided, a new certificate certifying the title to the estate or interest in the land desired to be conveyed to be in the transferee, and shall note upon the original and duplicate certificate the date of the transfer, the name of the transferee and the volume and folium in which the new certificate is registered, and shall stamp across the original and surrendered duplicate certificate the word "cancelled," in whole or part, as the case may be.

§ 40. When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferrer, a new certificate shall be issued to him for the part, estate or interest remaining in him.

§ 41. The registrar shall mark as filed every deed, mortgage, lease and other instrument which may be filed in his office in the order of its receipt, and shall note thereon, at the date of filing, the minute, hour, day and year it is received. When the date of filing any instrument is required to be entered upon the register, it shall be the same as that endorsed upon such instrument.

§ 42. All instruments, notices and papers required or permitted by this act to be filed in the office of the registrar shall be retained and kept in such office.

§ 43. Like forms of deeds, mortgages, leases and other instruments as are now or may hereafter be sufficient in law for the purpose intended, may be used in dealing with registered land and any estate or interest therein.

§ 44. On all instruments presented to the registrar for registration, shall be endorsed the name and address of the person so presenting the same, and all notices by the registrar or other person, relating to the land therein described, may be served on such person at such address. The address may be changed from time to time by such person filing with the registrar a written notice of such change.

§ 45. A deed, mortgage, lease or other instrument purporting to convey, transfer, mortgage, lease, charge or otherwise deal with registered land, or any estate or interest therein, or charge upon the same, other than a will or a lease not exceeding five years where the land is in actual possession of the lessee or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the registrar to register the transfer, mortgage, lease, charge or other dealing upon compliance with the terms of this act. On the completion of such registration,



the land, estate, interest or charge shall become transferred, mortgaged, leased, charged or dealt with according to the purport and terms of the deed, mortgage, lease or other instrument.

§ 46. No transfer of title to land, or any estate or interest therein, or mortgage, shall be registered until it shall be made to appear to the registrar that the land has not been sold for any tax or assessment upon which a deed has been given and the title is outstanding, or upon which a deed may thereafter be given, nor until it shall appear that the dower, right of dower and estate of homestead, if any, have been released or extinguished, unless the transfer or mortgage is intended to be subject thereto, in which case it shall be so stated in the certificate of title.

§ 47. Every certificate of title to land shall state whether the transferee (except when the latter is a corporation) is married or not married, and if married the name of the husband or wife. The transferee shall furnish the registrar the necessary information before he shall be entitled to have the land transferred to him on the register.

#### MORTGAGES, LEASES AND OTHER CHARGES.

§ 48. Every mortgage, lease for a term not exceeding ten years, contract to sell, and other instrument intended to create a lien, incumbrance or charge upon registered land or any interest therein, shall be deemed to be a charge thereon, and may be registered as hereinafter provided.

§ 49. On the filing of the instrument intended to create the charge in the registrar's office, and the production of the duplicate certificate of title, and it appearing to the registrar that the person intending to create the charge has the title and right to create such charge, and that the person in whose favor the same is sought to be created is entitled by the terms of this act to have the same registered, he shall enter upon the proper folium of the register, and also upon the duplicate certificate, a memorial of the purport thereof, and the date of filing the instrument with a reference thereto by its file number, which memorial shall be signed by the registrar. The registrar shall also note upon the instrument on file, the volume and folium of the register where the memorial is entered.

§ 50. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and is subject to the same rules as a mortgage.

§ 51. When any mortgage, lease or other instrument creating or dealing with a charge upon registered land or any estate or interest therein is in duplicate, triplicate or more parts, only one of the parts need be filed and kept in the registrar's office, but the registrar shall note upon the register whether the same is in duplicate, triplicate, or as the case may be, and shall also mark upon the others "mortgagee's duplicate," "lessor's duplicate," "lessee's duplicate," or as the case may be, and note upon the

same the date of filing and the volume and folium of the register where the memorial is entered, and deliver them to the parties entitled thereto.

§ 52. When an instrument is not executed in a sufficient number of parts for the convenience of the parties, the registrar may make and deliver to each of the parties entitled thereto, certified copies of the instrument filed in his office, with the endorsements thereon, marking the same "mortgagee's certified copy," "lessor's certified copy," or as the case may be, and shall note upon the register the fact of issuing such copies. Such certified copies shall have the same force and effect, and be treated as duplicates.

§ 53. The holder of any charge upon registered land, desiring to transfer the same or any part thereof, may execute an assignment of the whole or any part thereof, and upon such assignment being filed in the office of the registrar and the production of the duplicate or certified copy of the instrument creating the charge held by the assignor, the registrar shall enter in the register, opposite the charge, a memorial of such transfer, with a reference to the assignment by its file number; he shall also note upon the instrument on file in his office intended to be transferred, and upon the duplicate or certified copy thereof produced, the volume and folium where the memorial is entered, with the date of the entry. The transferee shall be entitled to have a certified copy of the instrument of transfer, with the endorsement thereon, and, in case of the transfer of the entire charge, the duplicate or certified copy of the instrument creating the charge.

§ 54. A release, discharge or surrender of a charge, or any part thereof, or any part of the land charged, may be affected in the same way as above provided in the case of a transfer. In case only a part of the charge or of the land is intended to be released, discharged or surrendered, the entry shall be made accordingly, but when the whole is released, discharged or surrendered, at the same or several times, the registrar shall stamp across the instrument on file, and the memorial thereof, and the duplicate or certified copy produced, the word, "cancelled."

§ 55. All charges upon registered land, or any estate or interest in the same and any rights thereunder, may be enforced as now allowed by law, and all laws with reference to the foreclosure and release or satisfaction of mortgages shall apply to mortgages upon registered lands, or any estate or interest therein, except as herein otherwise provided, and except that, until notice of the pendency of any suit to enforce or foreclose, such charge is filed in the registrar's office and a memorial thereof entered on the register, the pendency of such suit shall not be notice to the registrar, or any person dealing with the land, or any charge thereon.

#### ATTORNEYS IN FACT.

§ 56. Before any person can convey, charge, or otherwise deal with any registered land, or any estate or interest therein, as attorney in fact for another, the deed or instrument empowering

him so to act shall be filed with the registrar and a memorial thereof entered upon the register in like manner as in the case of a charge. If the attorney shall so desire, the registrar shall deliver to him a certified copy of the power of attorney, with the endorsements thereon. Revocation of a power may be registered in like manner.

#### TRUSTS, CONDITIONS AND LIMITATIONS.

§ 57. Whenever a deed or other instrument is filed in the registrar's office for the purpose of effecting a transfer of or charge upon registered lands, or any estate or interest in the same, and it shall appear that the transfer or charge is to be upon some trust, condition or limitation expressed in such deed or instrument, the registrar shall, unless such deed or instrument expressly directs to the contrary, note in the certificate and the duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," as the case may be, and no transfer of or charge upon or dealing with the land, estate or interest shall thereafter be registered, except upon the written opinion of two examiners that such transfer, charge or dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

§ 58. If the registrar is satisfied that the proposed transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation, he shall proceed to register the same, and such registration shall be conclusive evidence in favor of the person taking such transfer, charge or other right, and those claiming under him, in good faith and for a valuable consideration, that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

#### TRANSMISSION.

§ 59. Lands and any estate or interest therein, registered pursuant to this act, shall, upon the death of the owner, go to the personal representatives of the deceased in like manner as personal estate, whether the owner dies testate or intestate, and shall be subject to the same rules of administration as if the same were personalty, except as otherwise provided in this act, and except that the rule of division shall be the same as in the descent of real property.

§ 60. Before the personal representative of a deceased owner of registered land or any estate, or interest therein, shall deal with the same, he shall file in the registrar's office, a certified copy of his letters of administration, or if there is a will, a certified copy of the same and of the letters testamentary, or of administration with the will annexed, as the case may be, and shall produce the duplicate certificate of title, and thereupon the registrar shall enter upon the register and the duplicate certifi-



cate a memorial thereof, with a reference to the letters or will and letters, by their file number, and the date of filing the same.

§ 61. Except in the case of a will devising the lands to an executor to his own use, or upon some trust, or giving to the executor power to sell, no sale or transfer of registered land shall be made by the executor, or by an administrator in the course of administration, for the payment of debts or otherwise, except in pursuance of an order of a competent court obtained as provided by law.

§ 62. But a memorial of the will and letters testamentary or of letters of administration being first entered upon the register, as herein provided, the executor or administrator may deal with mortgages, leases and other personal interests, in or upon registered land, as if he were the registered owner thereof.

§ 63. Where it appears by the will, a certified copy of which, with the letters testamentary, is filed, as provided in this act, that registered land is devised to the executor to his own use, or upon some trust, the executor may have the land transferred to himself upon the register in like manner, and subject to like terms and conditions and with like rights, as in the case of a transfer pursuant to deed filed in the registrar's office.

§ 64. When the will of a deceased owner of registered land or any estate, or interest therein, empowers the executor to sell, convey, incumber, charge or otherwise deal with the land, it shall not be necessary for such executor to be registered as the owner, but a certified copy of the will and the letters testamentary being filed as provided in this act, such executor may sell, convey, incumber, charge or otherwise deal with the land pursuant to the power in like manner, as if he were the registered owner, subject to the like conditions as to the trust, limitations and conditions expressed in the will, as in case of trusts, limitations and conditions expressed in a deed.

§ 65. Before making distribution of undivided registered land, the executor or administrator shall file in the registrar's office, a certified copy of the proof of heirship, made in the probate or county court, as the case may be, which shall be conclusive evidence in favor of all persons thereafter dealing with the land that the persons therein named as the only heirs-at-law of the deceased owner are such heirs.

§ 66. The court of probate may, for the purpose of distribution of the estate, order registered land, or any estate, or interest therein, to be sold by the executor or administrator, and upon the filing of a certified copy of the order of sale and order of confirmation of the sale, and the deeds, in pursuance of the same, in the registrar's office, a transfer of the land, estate or interest to the purchaser may be made upon the register, as in the case of other sales, by deed.

§ 67. Whenever, after the expiration of the time fixed for the adjustment of claims against the estate of the deceased, and after proof of heirship, it shall be made to appear to the court of pro-



bate that the estate will justify it, the court may direct the executor or administrator to make over and transfer to the devisees or heirs, or some of them, in anticipation of the final distribution, a portion or the whole of the registered lands to which they might be entitled on final distribution. And upon the filing of a certified copy of such order in the registrar's office, the executor or administrator may cause such transfer to be made upon the register in like manner as in case of a sale. The land so transferred shall be held free from all liens or claims against the estate. In the proceedings to procure such direction such notice shall be given as the court of probate may direct.

§ 68. For the purpose of final distribution, the court of probate may determine the right of all persons in registered lands, or any estate or interest therein of the deceased, declare and enforce the rights of devisees, heirs, persons entitled to dower and homestead, and others, assign dower and homestead, and make partition and distribution according to the rights of the parties. The court may give direction to the executor or administrator as to the transfer of registered land, and any estate or interest therein to the devisees or heirs, or tenants in common, or otherwise, as shall appear to the court to be most convenient, consistently with the rights of the parties, or as the parties interested may agree.

#### DEALINGS OF ASSIGNEES, RECEIVERS, MASTERS, ETC.

§ 69. Before an assignee for the benefit of creditors, receiver, master in chancery, special commissioner, or other person appointed by court shall deal with or transfer registered land or any estate or interest therein, he shall file in the registrar's office a certified copy of an order of the court showing that such assignee, receiver, master in chancery, special commissioner, or other person, is authorized to deal with or transfer such land, estate or other interest, and if it is in the power of such person, he shall present to the registrar the duplicate certificate of title; and thereupon the registrar shall enter upon the register and the duplicate certificate, if presented, a memorial thereof, with a reference to such order by its file number. In the case of a deed of the land to the assignee or receiver, the same shall be filed in registrar's office as in other cases.

§ 70. Such memorial having been entered, the assignee, receiver, master in chancery, special commissioner, or other person, may, subject to the direction of the court, deal with or transfer such land as if he were the registered owner.

#### TAX SALES.

§ 71. The holder of any certificate of sale of registered land or any estate, or interest therein for any tax, assessment or imposition, shall, within three months after date of sale, present the same to the registrar, who shall thereupon enter on the register of the

land a memorial thereof, stating the day of sale and the date of presentation, and shall also note upon the certificate of sale the date of presentation and the book and page of the register where the memorial is entered. The holder of such certificate shall also, within the same time, mail to each of the persons who appear by the register to have any interest in the land, a notice of the registration of such certificate. Unless such certificate is presented and registered, and notice given as herein provided within the time above mentioned, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance of such certificate. When it shall appear by the affidavit of the holder of the certificate filed with the registrar that the place of residence of any person interested in the land can not upon diligent inquiry be ascertained, the requirement of this section as to mailing notice shall not apply to such person.

§ 72. A tax deed of registered land, or an estate or interest therein, issued in pursuance of any sale for tax or assessment made after the taking effect of this act, shall have only the effect of an agreement for the transfer of the title upon the register, and may be filed in the registrar's office, and a transfer effected as in case of other deeds of conveyance. But no certificate of title shall be issued thereon until the expiration of two years after the date of filing such deed, nor unless the deed is so filed within sixty days of its date, nor unless it shall be made to appear to the registrar that the time for redemption allowed by law to any minor heir, idiot or insane person interested in the land has expired, nor unless it shall appear to the registrar that all persons appearing upon the registrar to be interested in the land, whose places of residence can, upon diligent inquiry, be ascertained, and the person who appears by the collector's books to have paid the tax last paid before the sale on which the deed is issued, and every person in occupation of the land, has had at least ninety days' notice of the application for such certificate of title, and that the terms of this act have been complied with. The notice required may be given upon persons residing in the county by personal service, and upon persons living out of the county by mail. Any person interested in the land may show as cause why such certificate of title shall not issue, any fact that might be shown on a bill in equity on his behalf to set aside such deed.

#### LIS PENDENS, NOTICE.

§ 73. No suit, bill, or proceeding at law or in equity, for any purpose whatever, affecting registered land, or any estate or interest therein, or any charge upon the same, shall be deemed to be *lis pendens* or notice to any person dealing with the same, until a certificate of the pendency of such suit, bill or proceeding, under the hand and official seal of the clerk of the court in which it is pending, shall be filed with the registrar and a memorial thereof entered by him upon the register of the last certificate of

the title to be affected. This section shall not apply to attachment proceedings when the officer making the levy shall file his certificate of levy as herein provided.

§ 74. No judgment, or decree or order of any court shall be a lien upon or affect registered land, or any estate or interest therein, until a certificate, under the hand and official seal of the clerk of the court in which the same is of record, stating the date and purport of the judgment, decree or order, or a certified copy of such judgment, decree or order, is filed in the office of the registrar and a memorial of the same is entered upon the register of the last certificate of the title to be effected.

#### ATTACHMENT, EXECUTION, ETC., LIENS.

§ 75. Whenever registered land is levied upon by virtue of any writ of attachment, execution or other process, it shall be the duty of the officer making such levy to file with the registrar a certificate of the fact of such levy, a memorial of which shall be entered upon the register, and no lien shall arise by reason of such levy until the filing of such certificate and the entry in the register of such memorial, any notice thereof, actual or constructive, to the contrary notwithstanding.

§ 76. The claim authorized by "An act to revise the law in relation to liens" may, in the case of registered land, be filed in the registrar's office instead of with the clerk of the circuit court, and being so filed, a memorial thereof shall be entered by the registrar, as in the case of other charges, and proceedings to enforce the lien may be had, as provided in said act. Until it is so filed and registered, no such lien shall be deemed to have been created.

§ 77. Any person making any claim to or asserting any lien upon registered land not shown upon the register, or adverse to the title of the registered owner, and no other provision is herein made for asserting the same in the registrar's office, may make affidavit thereof, setting forth his interest, right, title, lien or demand, and how and under whom derived, and the character and nature thereof. The affidavit shall state his place of residence, also his place of business, if he has one, and designate a place at which all notices relating thereto may be served. Upon the filing of such affidavit in the office of the registrar, the latter shall enter a memorial thereof, as in the case of a charge.

§ 78. No statutory or other lien shall be deemed to affect the title to registered land until after a memorial thereof is entered upon the register, as herein provided.

§ 79. The certificate of the clerk of the court in which any suit, bill or proceeding shall have been pending, or any judgment or decree is of record, that such suit, bill or proceeding has been dismissed or otherwise disposed of, or the judgment, decree or order has been satisfied, released, reversed or overruled, or of any sheriff or other officer that the levy of any execution, attachment



or other process certified by him, has been released, discharged or otherwise disposed of, being filed in the registrar's office and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such suit, bill, proceeding, judgment, decree or levy, according to the purport of such certificate.

#### PROCEEDINGS IN CHANCERY.

§ 80. Whenever any person interested in registered land or any estate or interest therein or charge upon the same, shall be entitled to have any certificate of title, memorial or other entry upon the register cancelled, removed or modified, and the registrar or person whose duty it shall be to cancel, remove or modify the same, or do any act towards the same, shall upon request, fail or refuse so to do, or is absent from the county, or cannot be found, or for any reason such request cannot be made upon him, a court of equity may, upon bill or petition by the person interested, make such order as may be according to equity in the premises, and upon a certified copy of such order being filed in the registrar's office, the registrar shall make such cancellation, removal or modification as shall be decreed in such order.

§ 81. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any manner pertaining to the first registration of land or any estate or interest therein, or any subsequent transfer of or charge upon the same, the filing, or neglect or refusal to file any instrument, or to enter or cancel any memorial notation, or to do any other thing required of him by this act, or on account of any mistake or omission of the registrar, may file his bill or petition in equity in any court of competent jurisdiction, making the registrar and other persons, whose interest may be effected, parties defendant, and the court may proceed therein as in other cases in equity, and make such order or decree as shall be according to equity in the premises and the purport of this act. When it shall appear by the allegations of the bill or petition to be appropriate to the relief required, the court may hear and determine all matters affecting the title or interest of the petitioner or complainant and for the quieting of the title and removing of clouds therefrom. The provisions of the act entitled, "An act to regulate the practice in courts of chancery," so far as they may be applicable, shall apply to cases brought under this act.

§ 82. The court may, in any case contemplated in sections eighty and eighty-one, in addition to the costs, award such damages, including reasonable attorney's fees, as it shall deem just in the premises.

#### INDICES.

§ 83. The registrar shall keep tract indices, in which shall be entered the lands registered in the numerical order of the townships, ranges, sections, and in cases of subdivisions, the blocks



and lots therein, and the names of the owners, with a reference to the volume and folium of the register in which the lands are registered.

§ 84. He shall also keep alphabetical indices, in which shall be entered, in alphabetical order, the names of all registered owners and all other persons interested in or holding charges upon registered land, a short description of the land and nature of the dealing, with a reference to the volume and folium of the register in which the land is registered.

#### PENALTIES.

§ 85. Whoever fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any certificate of title or other instrument, or of any entry in the register or other book kept in the registrar's office, or of any erasure or alteration in any entry in any said book, or of any instrument authorized by this act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement or affidavit affecting registered land, shall be guilty of a misdemeanor and fined not exceeding five thousand dollars, and imprisoned not exceeding five years, or either, or both, in the discretion of the court.

§ 86. (1) Whoever forges, or procures to be forged, or assists in forging the seal of the registrar, or the name, signature, or handwriting of any officer of the registry office, in cases where such officer is expressly or impliedly authorized to affix his signature; or, (2) Fraudulently stamps or procures to be stamped, or assists in stamping any document with any forged seal of said register; or, (3) Forges or procures to be forged or assists in forging the name, signature, or handwriting of any person whomsoever, to any instrument which is expressly or impliedly authorized to be signed by such person; or, (4) Uses any document upon which any impression, or part of the impression, of any seal of said register has been forged, knowing the same to have been forged, or any document the signature to which has been forged, knowing the same to have been forged, or swears falsely concerning any matter or procedure made and done in pursuance of this act, shall be imprisoned in the penitentiary not exceeding ten years, or fined not exceeding one thousand dollars, or both fined and imprisoned, in the discretion of the court.

§ 87. No proceeding or conviction for any act hereby declared to be a misdemeanor or a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act or against his estate.

#### FEES.

§ 88. The fees of the registrar shall be as follows: On the filing of any application for first registration, the applicant shall advance the sum of \$15, which shall be in full of all services of

the registrar and examiners, up to the granting of the certificate of title. When the application includes titles derived from more than one source, an additional sum of \$5 for each source shall be advanced.

For granting certificate of title upon each application, and registering the same.....	\$2 00
For registering each transfer, including the filing of all instruments connected therewith, and the issue and registration of the new certificate of title.....	3 00
When the land transferred is held upon any trust condition or limitation, an additional fee of.....	5 00
For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and endorsements upon duplicate certificates.....	3 00
For filing copy of will with letters testamentary, or filing copy of letters of administration, and entering memorial thereof.....	5 00
For the cancellation of each memorial or charge.....	1 00
For each certificate showing the condition of register.....	1 00

For any certified copy of register or any instrument or writing on file in his office, the same fees now allowed by law to recorders of deeds for like services. All fees collected by the registrar or other officer, under this act, shall be paid into the county treasury once in every 30 days.

§ 89. This act shall be construed liberally as far as may be necessary for the purpose of affecting its general intent.

§ 90. Upon the first bringing of land under the operation of this act consequent upon the application of the owner, as hereinbefore provided, and upon the issuance of a certificate of title pursuant to section seventy-two (72), and also upon the entry of a new certificate showing some one either by devise or by descent as registered owner, there shall be paid to the registrar one-tenth of one per cent. of the value of such land. Such value shall be ascertained by the registrar.

§ 91. All sums of money received as aforesaid shall be paid by the registrar to the county treasurer of the county in which the land is situated, for the purpose of an indemnity fund under the terms of this act. It shall be the duty of the treasurer to invest all of said fund, principal and income, in his hands from time to time, if not immediately required for payments of indemnities, in the manner herein provided, and report annually to the county court the condition and income thereof. All investments of the fund, or any part thereof, shall be made with the approval of said court, by order entered of record. The said fund shall be invested only in the bonds and securities of the United States, or of this State, or counties, or other municipalities of this State.

§ 92. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar, or of any

examiner of titles, or of any deputy or clerk of the registrar, in the performance of their respective duties under the provisions of this act, and any person wrongfully deprived of any land or any interest therein, through the bringing of the same under the provisions of this act, or by the registration of any other person or owner of such land, or by any mistake, omission or misdescription in any certificate, or in any entry or memorandum in the registry book, and who by the provisions of this act is barred or in any way concluded from bringing an action for the recovery of such land or interest therein, or claim upon the same, may bring an action at law against the treasurer of the county in which such land is situated for the recovery of damages to be paid out of the indemnity fund. If such action be for the recovery of loss or damage arising only through any omission, mistake or misfeasance of the registrar, or of any examiner of titles, or any deputy or clerk of the registrar in the performance of their respective duties under the provisions of this act, then the county treasurer shall be the sole defendant for such action. But if such action be brought for loss or damage arising only from the fraud or wrongful act of some person or persons other than the registrar, his examiner of titles, deputies and clerks, or arising jointly through the fraud or wrongful act of such other person or persons, and the omission, mistake or misfeasance of the registrar, his examiners of titles, deputies or clerks, then such action shall be brought against both the county treasurer or such person or persons aforesaid. In all such actions where there are defendants other than the county treasurer, and damages shall have been recovered, no final judgment shall be entered against the county treasurer until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution can not be collected except by application to the indemnity fund. The court being satisfied of the truth of such return made upon proper showing may order the amount of the execution and cost, or such part as shall remain unpaid, to be paid by the county treasurer out of the indemnity fund. It shall be the duty of the State's attorney of the county, or the county attorney, if there be one, to appear and defend all suits that may affect such fund.

§ 93. No action or proceeding for compensation for, or by reason of, any deprivation, loss or damage occasioned or sustained as provided in this act, shall be made, brought or taken, except within the period of ten years from the time when the right to bring or take such action first accrued, except, that if at the time when such right of action first accrued, the person entitled to bring such action or take such proceeding is within the age of twenty-one years, or if a female, of the age of eighteen years, or insane, imprisoned or absent from the United States in the service of the United States, or of this State, such person or any one claiming from, by or under



him or her, may bring the action or take the proceeding at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

Section 94. The provisions of this act shall not apply to land in any county until this act shall have been adopted by a vote of the people of the county at an election to be held on Tuesday next after the first Monday in November of the year in which the question is submitted. The question may be submitted in the following manner: In any county of the first or second class as the same are classified in the act "concerning fees and salaries," on the petition of not less than one-half of the legal voters to be ascertained by the vote cast at the last preceding election for county officers, or in any county of the third class upon the petition of not less than twenty-five hundred legal voters praying the submission of the question of the adoption of this act, the clerk shall give notice that such question will be submitted at such election, and shall cause to be printed on the ballots to be used for said election: "For the Torrens land title system," "Against the Torrens land title system." The votes cast upon that question shall be counted, canvassed and returned as in the case of the election of county officers. If the majority of the votes cast on that subject shall be for the Torrens land title system this act shall thereafter be in force and apply to lands in that county.

APPROVED June 13, 1895.

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#### TO CURE DEFECTS IN CERTAIN INSTRUMENTS.

§ 1. Defects cured and instruments made legal. | § 2. Certified copies in evidence.

*AN ACT to cure defects in the certificates of acknowledgments of deeds, mortgages and other instruments in writing taken before commissioners for this State in any of the other states or territories of the United States or District of Columbia, and to legalize the record of such deeds, mortgages and other instruments in writing, and to provide the manner in which the original and certified copies from the records of the same may be used in evidence.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all deeds, mortgages and other instruments in writing relating to or affecting any lands, tenements or hereditaments situated within this State which have been acknowledged or proved before any commissioner for this State in any of the states or territories of the United States or in the District of Columbia, and which have been or may be recorded in the county where such lands, tenements or hereditaments do actually lie, shall be adjudged and treated by all courts as legally executed, acknowledged and recorded, notwithstanding*



no city or town within which such acknowledgment was taken is specified or mentioned in the certificate of such commissioner, and notwithstanding no certificate under the hand and official seal of the Secretary of State of this State be subjoined or affixed to the certificate of such commissioner that such commissioner was, at the time of taking such proof or acknowledgment, duly authorized to take the same, and that the Secretary is acquainted with the handwriting of such commissioner or has compared the signature to such certificate with the signature of such commissioner deposited in his office, and that he verily believes the signature and the impression of the seal of the said certificate to be genuine.

§ 2. Certified copies from the records properly authenticated, shall be received in all courts and places as evidence of the due execution and recording of every such deed, mortgage or other instrument in favor of the person or persons who claim or desire to deduce title under any such deed, mortgage or other instrument: *Provided, however,* that the person or persons offering in evidence any such deed, mortgage or instrument or certified copy thereof shall exhibit with the original or with a certified copy of the same from the records thereof duly authenticated, a certificate of the Secretary of State of this State under his hand and official seal that the commissioner before whom the same purports to have been acknowledged was, on the day of the date of such acknowledgment, a commissioner for this State in the state or territory where such deed, mortgage or other instrument was acknowledged.

APPROVED June 17, 1895.

## CORPORATIONS.

### DISSOLUTION OF CORPORATIONS.

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|---|-----------------------------|
| § 1. Non-user of franchise—Proceedings.         | § 5. Practice.              |
| § 2. Bill in chancery.                          | § 6. Separate docket.       |
| § 3. Process.                                   | § 7. Decree of dissolution. |
| § 4. Affidavit of Attorney General unnecessary. | § 8. Costs.                 |

AN ACT *providing for the dissolution of corporations in certain cases.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the board of directors, managers, trustees or officers of any corporation existing by virtue of any general or special law of this State, or any corporation hereafter organized by virtue of any law of this State, has ceased to do business as a corporation, or has discontinued the exercise of corporate functions, such corporation shall be deemed to have abandoned its corporate franchises and it shall be lawful for the Attorney General to institute proceedings,

either in the circuit court of Sangamon county, or in the circuit court of such other county in this State as to him may seem best, for the dissolution of such corporation.

§ 2. Such proceedings shall be commenced by filing in such court an information in the nature of a bill in chancery, stating the name and date of the organization of such corporation, the location of its principal office and the names of its directors, managers, trustees or officers, if known; that it has ceased to do business as a corporation, and has discontinued the exercise of corporate functions, and praying for its dissolution.

§ 3. In proceedings under this act, process in the form of a summons in chancery, may issue out of the court, upon the filing of such information directed to the sheriff of the county in which the principal office of such corporation is, by its charter, located, and shall be served by delivering a copy thereof to the president of such corporation, if he can be found in such county, and if he cannot be found therein, then by leaving such copy with any clerk, secretary, superintendent or other agent of such corporation, and in case the sheriff having such process shall make return thereof that such president, clerk, secretary, superintendent or other agent of such corporation, cannot be found in his county, then the clerk of said court shall cause a notice to be published in some newspaper published in the county where the principal office of such corporation is located, which said notice shall contain a statement of the pendency of the proceeding, the names of the parties thereto, the title of the court and the time and place of the return of such summons, and shall be published at least once in each week for four successive weeks. And no default shall be taken upon such notice unless thirty days shall have intervened between the date of the first publication of such notice and the first day of the term of court at which such default or proceeding is proposed to be taken.

§ 4. It shall not be necessary for the Attorney General to file an affidavit showing such president, clerk, secretary, superintendent or other agent of such corporation resides or has gone out of the State, or on due inquiry can not be found, or is concealed so that process can not be served upon them, or that upon diligent inquiry the places of residence of such officers or agents cannot be ascertained.

§ 5. The practice in proceedings under this act shall be the same as in cases of chancery.

§ 6. Suits and proceedings instituted under the provisions of this act shall be placed upon a separate docket by themselves, and stand for trial upon the call of such docket at such times during any term of such court as the judge thereof may order.

§ 7. Upon the hearing of the information the court may decree a dissolution of such corporation, and upon notice by the Attorney

General, in writing, of such decree being filed with the Secretary of State and entered upon the records of his office, the dissolution of such corporation shall be complete.

§ 8. The costs of the court and of publication in proceedings under this act shall be paid out of any moneys in the treasury not otherwise appropriated, upon certified fee bills approved by the Attorney General.

APPROVED June 17, 1895.

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FEEES FOR INCORPORATION.

§ 1. Increases fees for incorporation.

§ 2. Unlawful to do business until fee paid.

§ 3. Repeal.

*AN ACT regarding fees for the incorporation and the increase of capital stock of companies and corporations in this State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all companies and corporations hereafter organized under the laws of the State of Illinois shall pay to the Secretary of State, before there shall issue a certificate of incorporation to the same, fees as follows: All companies having a capital stock of \$2,500 and under shall pay the sum of \$30. And all companies having a capital stock of over \$2,500 and not over \$5,000 shall pay the sum of \$50. And all companies having a capital stock of over \$5,000 shall pay in addition to the said sum of \$50 the sum of \$1 for each \$1,000 of capital stock over \$5,000. All companies at present organized and doing business under the laws of this State, that may hereafter increase their capital stock, shall pay as a fee in addition to all other fees at present required by law, the sum of \$1 for each \$1,000 of increase of such capital stock: *Provided*, that this act shall not apply to corporations incorporated under the law providing for the incorporation of homestead associations and building and loan associations, nor to religious associations, nor to corporations not for pecuniary profit.

§ 2. It shall be unlawful for any company to do business, assuming to be incorporated under the laws of this State, until the fees provided for in section one (1) of this act shall have been paid to the Secretary of State.

§ 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED June 15, 1895.

## DISSOLUTION OF CORPORATIONS—VOLUNTARY.

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| <p>§ 1. Amends act of 1872 by adding new sections, as follows:</p> <p>§ 50. Dissolution—Submission of to stockholders.</p> | <p>§ 51. Notice of meeting.</p> <p>§ 52. Vote—Record.</p> <p>§ 53. When dissolution recognized.</p> |
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AN ACT to amend an act entitled "*An act concerning corporations,*" approved April 18, 1872, in force July 1, 1872, by providing for the voluntary dissolution of corporations organized or hereafter organized upon the stock plan thereunder, by adding thereto four sections to be numbered sections 50, 51, 52 and 53 respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act concerning corporations,*" approved April 18, 1872, in force July 1, 1872, be and the same is hereby amended so as to provide for the voluntary dissolution of corporations organized or hereafter organized upon the stock plan thereunder, by adding thereto the following sections, to be numbered section 50, section 51, section 52, and section 53, respectively:

§ 50. Whenever two-thirds of the stockholders of any corporation organized or hereafter organized under the provisions of this act upon the stock plan may desire to abandon the corporate enterprise, surrender their charter, franchises and corporate name, and dissolve the corporation, it shall be the duty of the board of directors or managers thereof to submit the question of such dissolution to a vote of the stockholders at any annual or a special meeting of such stockholders to be called and held as herein provided.

§ 51. Such special meeting shall be called by delivering personally or depositing in the postoffice at least thirty days before the time fixed for such meeting a notice properly addressed to each stockholder, signed by a majority of said directors or managers, stating the time, place and object of said meeting, and a general notice of the time, place and object of such meeting shall also be published for three successive weeks in some newspaper published in the county wherein the principal office of said corporation is located.

§ 52. At such meeting, stockholders shall vote in person, each stockholder being entitled to one vote for each share of stock held by him, and votes represented by at least two-thirds of the whole capital stock of such corporation shall be necessary to affect a dissolution thereof, and if at any such meeting said stockholders shall in the manner herein provided agree to dissolve said corporation, they shall cause a complete record of all proceedings taken with respect thereto, reciting therein the adoption of a resolution to that effect, which shall also show that the corporate debts have been fully paid, the corporate liabilities completely discharged, and the corporate assets and property distributed among



all the persons entitled thereto, to be made and signed by the president, and the adoption thereof and recitals therein verified by his sworn affidavit, and attested by the secretary under his signature and the corporate seal. Said record shall be filed in the office of the recorder of deeds of the county wherein the principal office of such corporation is located and by him recorded and a notice of such dissolution published for three successive weeks in any newspaper published within such county, and within three months after such dissolution shall have been so agreed upon, the record aforesaid, bearing thereon the certificate of recordation executed by the recorder of deeds of the proper county, shall be filed in the office of the Secretary of State.

§ 53. The provisions of this act having been fully complied with, said corporation shall be deemed and taken to be dissolved in all courts and places whatsoever, and from and after any such dissolution hereunder, it shall be lawful for the Secretary of State to issue a license to any person or persons to incorporate under the name or names previously used by such corporation at any time after the dissolution thereof: *Provided*, that a majority of the stockholders in number and amount of any such corporation enjoying such name shall have the exclusive privilege of becoming incorporated under the same name at any time within the said thirty days, according to the provisions of the act to which this is an amendment.

APPROVED June 17, 1895.

#### EDUCATIONAL INSTITUTIONS — INCORPORATION OF.

- § 1. Trustees of institution receiving land to form corporation.  
 § 2. Organization of board.

- § 3. Secretary of State to issue certificate.  
 § 4. Powers and duties of corporation.

AN ACT *in relation to the incorporation of educational institutions.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever property, real or personal has heretofore been or shall hereafter be devised or bequeathed by last will and testament, or granted, conveyed or donated by deed or other instrument, to trustees, to be applied by them to the foundation and establishment in any of the cities, villages and towns of this State of any educational institution, it shall be lawful for the acting trustees in any such case, in order to promote the better establishment, maintenance and management of such institution, to cause to be formed a corporation under the provisions of this act, with the rights, powers and privileges hereinafter provided for.

§ 2. Such acting trustees may make, sign and acknowledge before any officer authorized to take acknowledgements of deeds in this State, and file in the office of the Secretary of State a state-

ment in writing in which shall be set forth the intent of such trustees to form a corporation under this act; a copy of the will or other instrument by which endowment of said educational institution has been provided; the name adopted for the proposed corporation (which shall not be the name of any other corporation existing), the city, village or town in which the educational institution and the principal place of business of the corporation will be located; the number of managers who may be denominated trustees, managers or directors of the corporation, and the names of the trustees, managers or directors who are to constitute the original board of such officers and who shall hold until their successors respectively are elected and qualified as in this act provided.

§ 3. Upon the filing in his office of such a statement as aforesaid, the Secretary of State shall issue to the incorporators, under his hand and seal of State, a certificate of which the aforesaid statement shall be a part, declaring that the organization of the corporation is perfected. The incorporators shall thereupon cause such certificate to be recorded in a proper record book for the purpose in the office of the recorder of deeds of the county in which the said educational institution is to be located, and thereupon the corporation shall be deemed fully organized, and may proceed to carry out its corporate purposes, and may receive by conveyance from the trustees under said will, deed or other instrument of donation the property provided by will or otherwise as aforesaid for the endowment of said educational institution, and may hold the same in whatever form it may have been received or conveyed by said trustees until such form shall be changed by the action of said corporation.

§ 4. Organizations formed under this act shall be bodies corporate and politic, to be known under the names stated in the respective certificates or articles of incorporation, and by such corporate names they shall have and possess the ordinary rights and incidents of corporations, and shall be capable of taking, holding and disposing of real and personal estate for all purposes of their organization. The provisions of any will, deed or other instrument by which endowment is given to said educational institution and accepted by said trustees, managers or directors shall, as to such endowment be a part of the organic and fundamental law of such corporation. The trustees, managers or directors of any such corporation shall compose its members, and shall not be less than three nor more than seven in number, which number may be changed within said limits from time to time by the trustees, managers or directors of any such corporation, in such manner as may be provided in their by-laws: *Provided, however*, that the number of trustees, managers or directors shall never be less than the number of trustees provided by the will creating any such trust for the administration thereof; shall elect the officers of the corporation from their number, and shall have control and management of its affairs and property; may accept donations and in their discretion hold the same in the form in which are given, for all

purposes of education, science, literature and art, germane to the object and purpose of said corporation. They may fill by election, subject to the approval of the Chief Justice, for the time being, of the Supreme Court of Illinois, vacancies occurring in their own number by death, incapacity, retirement or otherwise, and may make lawful by-laws for the management of the corporation and of the educational institution, which by-laws shall set forth what officers there shall be of the corporation, and shall define and prescribe their respective duties. They may appoint and employ, from time to time, such agents and employés as they may deem necessary for the efficient administration and conduct of the educational institution and other affairs of the corporation. Whenever any trustee, manager or director shall be elected to fill any vacancy, a certificate under the seal of the corporation, giving the name of the person elected, shall be recorded in the office of the recorder of deeds where the articles of incorporation are recorded. The trustees, managers or directors of such corporation shall, in the month of January in each year, cause to be made a report to the Governor of the State for the year ending on the thirty-first day of December, preceding, of the condition of the educational institution and of the funds and other property of the corporation, showing the assets and investments of such corporation in detail.

APPROVED June 21, 1895.

## COUNTIES.

### SPECIAL PROVISIONS APPLICABLE TO COOK COUNTY—CIVIL SERVICE.

§ 1. Amends section 61 of the Act of 1879, as amended by the act of 1887, as follows:

Section 61. Board of Commissioners  
Cook county--Oath, etc.

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| 1. Meetings—regular and special.             | 12. Classification.                      |
| 2. President's vote.                         | 13. Rules.                               |
| 3. Appropriations—Veto.                      | 14. Publication of rules—When in effect. |
| 4. Powers and duties of board.               | 15. Applicants—Examinations.             |
| 5. Limitation of powers.                     | 16. Notice of examinations.              |
| 6. Annual appropriation bill.                | 17. Registers.                           |
| 7. Committees on finance and public service. | 18. Promotions.                          |
| 8. Letting contracts.                        | 19. Classified service—Appointments to.  |
| 9. Officers and employés.                    | 20. Exemptions.                          |
| 10. Civil Service Commission.                | 21. Removals.                            |
| 11. Removal of commissioner—Vacancy.         | 22. Commission's reports.                |
|  | 23. Investigations.                      |
|  | 24. Reports.                             |
|  | 25. Chairman and secretary.              |

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| 26. County officers to aid commission—Rooms.<br>27. Salaries and expenses.<br>28. Appropriations.<br>29. Frauds prohibited.<br>30. Political contributions—Solicitation and receiving prohibited.<br>31. Political contributions from officers or employes prohibited.<br>32. Assessments and contributions.<br>33. Payments of political assessments to public officers prohibited.<br>34. Abuse of political influence prohibited. | 35. Payment for place prohibited.<br>36. Recommendations in consideration of political service prohibited.<br>37. Auditing officer.<br>38. Appointments and removals to be certified to Comptroller.<br>39. Payment of salaries.<br>40. Production of witnesses, books and papers<br>41. Penalties.<br>41. Disqualification to hold office.<br>42. What officers to prosecute. |
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AN ACT to amend section sixty-one of an act entitled "An act to revise the law in relation to counties," approved March 31, 1874, as amended by the act of May 20, 1879, relative to Cook county, as amended by act approved June 14, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixty-one of an act entitled "An act to revise the law in relation to counties," approved and in force March 31, 1874, subsequently amended by the act of May 20, 1879, relative to Cook county, as amended by act approved June 14, 1887, in force July 1, 1887, be and the same is hereby so amended as to read as follows:

§ 61. The said commissioners shall, severally, before they enter upon the discharge of their duties, take the oath of office prescribed by the constitution, and they shall be known as the Board of Commissioners of Cook County, and as such board shall possess the powers, perform the duties, and be subject to the rules, regulations and restrictions hereinafter specified, that is to say:

First. Said board of commissioners shall hold regular meetings on the first Monday of December, January, February, March, June and September in each year. It shall be the duty of the president of the board of commissioners to call special meetings of the board whenever in his opinion the same may be necessary, and he shall preside at all of the meetings of said board, and generally perform the duties usually performed by a presiding officer: *Provided*, that in the absence of the president, or of his inability to act, a president *pro tem pore* may be elected, who shall, during such absence or inability, possess all the powers and perform all the duties by law vested in and required of the president.

Second. The president of the board of commissioners shall have the same privilege of voting as any other commissioner, but he shall not have a casting vote upon any question upon which he has voted as commissioner.



Third. All resolutions or motions whereby any money shall be appropriated or by virtue of which any contract shall be made or any act done which may, directly or indirectly, or in any manner whatever, create any pecuniary liability on the part of said county, shall be submitted to said board of commissioners in writing or reduced to writing before any vote shall be taken thereon, and if adopted by the board, the same shall not take effect until after the same shall have been approved in writing by the president of said board, except as hereinafter provided. It shall be the duty of the clerk of said board to deliver to the president thereof, upon his request, the original (or a copy) of each resolution or motion so passed or adopted by said board as aforesaid within one day after its passage or adoption, and in case the president approves thereof, he shall sign the same and it shall thereupon be in full force and effect. In case the president shall not approve any such resolution or motion, he shall, within five days after the receipt of the same as aforesaid, return it to the clerk of the said board, with his objections thereto in writing. Such veto by the president may extend to any one or more items or appropriations contained in any resolution making an appropriation or to the entire resolution, and in case the veto only extends to a part of such resolution making an appropriation, the residue thereof not embraced within the veto shall take effect and be in force from the time of the receipt by said clerk of such veto of such part. Upon the return of any such resolution or motion by the president, with his objections thereto as aforesaid, the vote by which the same was passed shall be reconsidered by the board of commissioners as to so much thereof as may have been vetoed; and if, after such reconsideration, four-fifths of all the members elected to the board shall agree to pass the same by yeas and nays, to be entered on the journal, the same shall take effect, notwithstanding the president may have refused to approve thereof. In case the president shall fail or omit to either sign and approve or return with his objections as aforesaid, any such motion or resolution which shall have been passed or adopted by the board within six days after it shall have been so passed or adopted, the same shall take effect without the approval of the president.

Fourth. Said board of commissioners shall have the management of the affairs of said Cook county in the manner provided by law, and may exercise the same powers, perform the same duties, and shall be subject to the same rules, regulations and penalties prescribed by law for the board of supervisors in other counties, except as herein otherwise provided, and shall also be subject to the rules, regulations and restrictions herein provided.

Fifth. The said board of commissioners shall have no power or authority to delegate to any committee or other person or persons the "power to act" when such "power to act" shall involve the letting of any contract or the expenditure of public money exceeding the sum of five hundred dollars (\$500), and any action of said board, or of any committee thereof, or of any other person or

persons in violation of this section, shall be null and void. No money shall be appropriated or ordered paid by said county commissioners, beyond the sum of five hundred dollars (\$500) unless such appropriation shall have been authorized by a vote of at least two-thirds of the members elected to the said county board. And no officer of Cook county or other person shall incur any indebtedness on behalf of the county unless first authorized by said board of commissioners.

Sixth. Said board of commissioners shall, within the first quarter of each fiscal year, adopt a resolution, to be termed the annual appropriation bill, in and by which resolution said board shall appropriate such sums of money as may be necessary to defray all necessary expenses and liabilities of said Cook county, to be by said county paid or incurred during and until the time of the adoption of the next annual appropriation bill under this section: *Provided*, that said board shall not expend any money or incur any indebtedness or liability on behalf of said county in excess of the percentage and several amounts now limited by law, and based on the limit prescribed in the constitution, when applied to the last previous assessment. Said appropriation bill shall specify the several objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. The vote of said board of commissioners upon said appropriation bill shall be taken by yeas and nays, and the same shall be entered upon the journal. Said appropriation bill shall not take effect until after it shall have been once published in a newspaper published in Chicago, and said board shall provide for and cause said appropriation bill to be so published as aforesaid. After the adoption of such appropriation bill or resolution, the said board of commissioners shall not make any further or other appropriations prior to the adoption or passage of the next succeeding annual appropriation bill, and the said board of commissioners shall have no power, either directly or indirectly, to make any contract or to do any act which shall add to the county expenditures or liabilities in any year, any thing or sum over and above the amount provided for in the annual appropriation bill for that fiscal year. No contract shall hereafter be made, or expense or liability incurred by the said board of commissioners, or any member or committee thereof, or by any person or persons for or in its behalf, notwithstanding the expenditure may have been ordered by the said board of commissioners, unless an appropriation therefor shall have been previously made by said board in manner aforesaid: *Provided, however*, that nothing herein contained shall prevent the board of commissioners, by a concurring vote of four-fifths of all the commissioners (said vote to be taken by yeas and nays and entered upon the journal) from making any expenditures or incurring any liability rendered necessary by any unforeseen casualty by fire, flood or otherwise, happening after the annual appropriation bill shall have been passed or adopted. Nor shall anything herein contained be construed to deprive the board of power to

provide for and cause to be paid from the county funds any charge upon said county imposed by law, without the action of the board of commissioners, including fixed salaries of officers required by law to be paid from the county treasury, and to pay juror's fees and other charges fixed by law.

Seventh. The board of commissioners shall establish and provide for the appointment of a committee on finance and a committee on public service. There shall be a superintendent of public service to be appointed by the president, by and with the consent of the board of commissioners, who shall hold his office for one year and until his successor is appointed; he may be suspended or removed by the president; he shall give a sufficient bond for the performance of his duties, and be subject to the oversight and supervision of the committee on public service. It shall be the duty of the superintendent, under authority of the board of commissioners, to purchase, receive and distribute all supplies necessary for the use and service of Cook county and its various institutions, of whatever nature, except those which are by law otherwise expressly provided for, and to keep accurate accounts of and vouchers for the same, which shall be open to the inspection of the president and the committee on public service and to the public; he shall also perform all other duties relative to the public service which may be assigned to him by the board of commissioners, who shall make and maintain regulations for the conduct and government of the department of public service not inconsistent with this act.

Eighth. All contracts for supplies, material and work for the county of Cook shall be let to the lowest responsible bidder, after due advertisement, but if, in case of any emergency, it is necessary to purchase supplies not exceeding in amount \$500, such purchase may be made by the superintendent in the open market, on authority given to him by the board of commissioners or the committee on public service. All contracts for supplies, material or work for Cook county shall be approved by the board of commissioners and signed by the president of the board, the superintendent of public service and the comptroller. Supplies shall be issued only on the requisitions of the responsible officers of the county institutions now or hereafter established by law, approved by the committee on public service.

Ninth. All officers and employes of the County of Cook, in the classification hereinafter provided for, except those whose election or appointment is otherwise provided for by law, and except those enumerated in paragraph twentieth of this section, shall be appointed by the president of the board according to the provisions of this section; the salaries or rate of compensation of all officers and employes of said county, when not otherwise provided by law, shall be fixed by the board of commissioners, and shall be fixed prior to the adoption of the annual appropriation and shall not be changed during the year for which the appropriation is made; the board of commissioners shall also determine whether any or what amount of bond any officer or employe shall give



**Tenth. CIVIL SERVICE COMMISSION.** The president of the county board shall at the first regular meeting of the first day after July, A. D. 1895, appoint three persons, who shall constitute and be known as the Civil Service Commission of said county, one for a term ending on the first Monday of December, A. D. 1895, one for a term ending on the first Monday of December, A. D. 1896, and one ending on the first Monday of December, A. D. 1897, and until their respective successors are appointed and qualified; and at the respective dates above named or soon thereafter the president shall in like manner appoint one person as the successor or a commission whose term shall then expire, to serve as a commissioner for three years, and until his successor is in like manner appointed and qualified. Two commissioners shall constitute a quorum; all appointments to such commission, both original and to fill vacancies, shall be so made that not more than two members shall at the time of appointment be members of the same political party. Said commissioner shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner before entering upon the duties of his office shall take the oath prescribed by the constitution of this State.

**Eleventh. REMOVAL OF COMMISSIONERS—VACANCY.** The president may, in his discretion, remove any commissioner for incompetence, neglect of duty or malfeasance in office. The president shall, at the next regular meeting, report, in writing, any such removal to the board with his reasons therefor. Any vacancy in the office of civil service commissioner shall be filled by appointment by the president.

**Twelfth. CLASSIFICATION.** Said commissioners shall classify all the offices and places of employment in said county with reference to the examinations hereinafter provided for, except those offices and places mentioned in the twentieth paragraph of this section. The offices and places so classified by the commission shall constitute the classified civil service of said county, and no appointments to any of such offices or places, or removals therefrom, shall be made, except under and according to the rules hereinafter mentioned.

**Thirteenth. RULES.** Said commission shall make rules to carry out the purposes of this act, and for examinations, appointments and removals in accordance with its provisions, and the commission may, from time to time, make changes in the original rules.

**Fourteenth. PUBLICATION OF RULES—TIME OF TAKING EFFECT.** All rules made as hereinbefore provided, and all changes therein shall forthwith be printed for distribution by said commission, and the commission shall give notice of the place or places where said rules may be obtained, by publication in one or more daily newspapers published in such county, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation.



Fifteenth. EXAMINATIONS. All applicants for offices or places in said classified service, except those mentioned in the twentieth paragraph of this section, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinion or affiliations. The commission shall control all examinations and may, when an examination is to take place, designate a suitable number of persons, either in or not in the official service of said county, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty without extra compensation, to conduct such examination as the commission may direct, and make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one selected, and the commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

Sixteenth. NOTICE OF EXAMINATIONS. Notice of the time and place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in a daily newspaper of general circulation published in said county, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the commission shall prescribe.

Seventeenth. REGISTERS. From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of said county of the person whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible, and such persons shall take rank upon the registers as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. Said commission may strike off names of candidates from the register after they have remained thereon for more than two years.

Eighteenth. PROMOTIONS. The commission shall, by its rules, provide for promotions in such classified service on the basis of ascertained merit, examination and seniority in service, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire

to submit themselves to such examination, and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination and the rules governing the same and the method of certifying shall be the same as provided for applicants for original appointment.

Nineteenth. **APPOINTMENTS TO CLASSIFIED SERVICE.** The head of the institution, department or office in which a position classified under this act is to be filled, shall notify the president of the board and said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade said position belongs to, except that in cases of laborers where a choice by competition is impracticable, said commission may provide by its rules that the selection shall be made by lot from among those candidates proved fit by examination. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. Said appointing officer, meaning thereby the president of said board, shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. At or before the expiration of the period of probation the officer having the power of appointment may, with the consent of said commission, discharge such person so appointed on probation upon assigning in writing to said commission his reasons therefor.

Twentieth. **EXEMPTIONS.** The president of the board of commissioners of Cook county shall with the advice and consent of the board appoint the warden of the county hospital, the superintendent of the insane asylum and poor house, the county agent, the county physician, the custodians of court house and criminal court building, the county attorney, the county architect, the committee clerk of the county board, and the said officers and the superintendent of public service shall not be included in the said classified service.

Twenty-first. **REMOVALS.** No officer or employé in the classified civil service of the county, who shall have been appointed under the said rules and after said examination, shall be removed or discharged, except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission, or by or before some officer or board appointed by said commission, to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding thirty days. In the course of investigation of charges, each member of the commission, and of any board so appointed by it, and any officer so appointed, shall have

the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation. Nothing in this section shall be construed to require such charges or investigation in cases of laborers or persons having the custody of public money, for the safe keeping of which another person has given bonds.

Twenty-second. **REPORTS OF COMMISSION.** Immediate notice in writing shall be given by the appointing power to said commission of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

Twenty-third. **INVESTIGATIONS.** The commission shall investigate the enforcement of this act and its rules, and the action of examiners herein provided for, and the conduct and action of the appointees in the classified civil service of said county. In the course of such investigation each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigations.

Twenty-fourth. **REPORTS OF COMMISSION.** Said commission shall on or before the first Monday of September of each year make to the president for transmission to the board of commissioners a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The president may require a report from said commission at any time.

Twenty-fifth. The civil service commission shall select one of their own number to act as chairman and one as secretary. The secretary shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall require.

Twenty-sixth. **OFFICERS TO AID—ROOMS.** All officers of said county shall aid said commission in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held shall allow the reasonable use of public buildings for holding such examinations. The board of county commissioners shall cause suitable rooms to be provided for said commission at the expense of said county.

Twenty-seventh. **SALARIES AND EXPENSES.** Each of said civil service commissioners shall receive a salary of fifteen hundred dollars a year, and said commission may also incur expenses not exceeding five hundred dollars a year for printing, stationery and other incidental matters.



Twenty-eighth. **APPROPRIATIONS.** A sufficient sum of money shall be appropriated each year by said board to carry out the provisions of this act in said county. If the board shall have already made the annual appropriation for county purposes for the current fiscal year, the board is authorized and required to pay the salaries and expenses of the civil service commission for such fiscal year out of the moneys appropriated for contingent purposes by said board.

Twenty-ninth. **FRAUDS PROHIBITED.** No person or officer shall willfully or corruptly, by himself or coöperation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or willfully or corruptly make any false representation concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or to be examined, being employed or promoted.

Thirtieth. **NO OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS.** No officer or employé in the classified civil service of said county, or named in the twentieth paragraph of this section, shall solicit, orally or by letter, or receive or pay, or be in [any] manner concerned in soliciting, receiving or paying any assessments, subscriptions or contributions for any party or political purposes whatever.

Thirty-first. **NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EMPLOYES.** No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or for any political purpose whatever, from any officer or employé in the classified civil service of said county, or named in the twentieth paragraph of this section.

Thirty-second. **ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.** No person shall in any room or building occupied for the discharge of official duties by any officer or employé in the classified civil service of said county, or named in the twentieth paragraph of this section, solicit, orally or by written communication, deliver therein or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employé in the classified civil service of said county, or named in the twentieth paragraph of this section, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same, for the purpose of therein soliciting or delivering written solicitations for, or receiving or giving notice of any political assessment.



Thirty-third. PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS PROHIBITED. No officer or employé in the classified civil service of said county, or named in the twentieth paragraph of this section, shall, directly or indirectly, give or hand over to any officer or employé, or to any senator or representative, or alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any party or political object whatever.

Thirty-fourth. ABUSE OF POLITICAL INFLUENCE PROHIBITED. No officer or employé in said classified service, or named in the twentieth paragraph of this section, shall discharge, or degrade, or promote, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

Thirty-fifth. PAYMENT FOR PLACE PROHIBITED. No applicant for appointment in said classified civil service, or to a position named in the twentieth paragraph of this section, either directly or indirectly, shall pay, or promise to pay, any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no officer or employé in said civil service, or named in said paragraph, shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

Thirty-sixth. RECOMMENDATION IN CONSIDERATION OF POLITICAL SERVICE PROHIBITED. No applicant for appointment or promotion in classified civil service shall ask for or receive a recommendation for assistance from any officer or employé in said service, or of any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

Thirty-seventh. AUDITING OFFICER. No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act.

Thirty-eighth. APPOINTMENTS AND REMOVAL TO BE CERTIFIED TO THE COMPTROLLER. The commission shall certify to the county clerk or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death, and all findings made or approved by the commission under the provisions of the twenty-first paragraph of this section, that a person shall be discharged from the classified civil service.

Thirty-ninth. COMPTROLLER TO PAY SALARIES, ONLY AFTER CERTIFICATION. No county clerk, comptroller or other auditing officer of said county shall approve the payment of, or be in any manner

concerned in paying any salary or wages to any person for services as an officer or employé of said county unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

**Fortieth. COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND PAPERS.** Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioners, or by any board or person acting under the orders of the commission in the course of an investigation conducted either under the provisions of the twenty-first or twenty-third paragraph of this section, and who shall refuse or neglect to appear or testify, or to produce books and papers relevant to said investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in the forty-first paragraph of this section. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts, and shall be paid from the appropriation for the expenses of the commission. And circuit court or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer, or board may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board, or officer by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall swear or affirm willfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly.

**Forty-first. PENALTIES.** Any person who shall willfully, or through culpable negligence violate any of the provisions of this act or any rule promulgated in accordance with the provisions thereof shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

**Forty-second. PENALTIES—DISQUALIFICATION TO HOLD OFFICE.** If any person shall be convicted under the next preceding section, any public office or place of public employment which such person may hold shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

**Forty-third. WHAT OFFICERS TO PROSECUTE.** Prosecutions for violations of this act may be instituted either by the Attorney General, the State's attorney for the county in which the offense is alleged to have been committed, or by the commission acting

through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers.

This bill, having remained with the Governor for the period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand, this 26th day of June, A. D., 1895.

W. H. HINRICHSSEN,  
*Secretary of State.*

## COURTS.

### SUPREME COURT.

§ 1. Amends the act of 1874, by adding an additional section allowing justices of the Supreme Court each a stenographer.—Salary.

*AN ACT to amend an act entitled "An act to revise the laws in relation to the Supreme Court," approved March 23, 1874, in force July 1, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the act entitled "An act to revise the laws in relation to the Supreme Court," approved March 23, 1874, in force July 1, 1874, be and the same is hereby amended by adding to said act the following additional section:

Section 18. Each of the judges of the Supreme Court may appoint a stenographer. Such appointment shall be in writing and shall be filed in the office of the Auditor of Public Accounts, and continue in force until revoked by the judge. Each stenographer so appointed shall receive a salary of one thousand (1,000) dollars per annum, payable quarter-yearly, on the warrant of the Auditor of Public Accounts, out of any money in the State Treasury not otherwise appropriated.

APPROVED June 24, 1895.

### TERMS OF THE CIRCUIT COURT.

§ 1. Amends section 3 of the amended act of 1879, changing the time for holding circuit court in the Second Circuit.

*AN ACT to amend section three (3) of an act entitled "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, and amended by an act approved June 16, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of an act entitled "An act concerning circuit courts, and to fix the

time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, and amended by an act approved June 16, 1891, in force July 1, 1891, be amended to read as follows:

§ 3. Second Circuit. In the county of Lawrence, on the first Mondays of February and August; in the county of Cumberland on the third Mondays of February and August; in the county of Crawford on the first Mondays of March and September; in the county of Clay on the second Mondays of March and September; in the county of Richland on the second Mondays of April and November; in the county of Effingham on the third Mondays of March and October; in the county of Jasper on the third Monday of May and first Monday of December; in the county of Jefferson on the third Monday of February, the second Monday of May, the third Monday of August and the second Monday of December; in the county of Hamilton on the fourth Mondays of February and September; in the county of Wayne on the third Mondays of January, March, June and October, in the county of Edwards on the second Mondays of April and November; in the county of Wabash on the third Mondays of April and November; in the county of White on the first Monday of January, the second Monday of March, the first Monday of June and the first Monday of August; in the county of Gallatin on the first Mondays of February and September: *Provided*, that the January and June terms of the court to be held in the county of White, the February and August terms of the court to be held in the county of Jefferson, and the January and June terms of the court to be held in the county of Wayne, shall be devoted exclusively to the transaction of any business in criminal, civil and chancery cases not requiring a jury or where a trial by jury is waived, and for these terms of court no grand or petit jury shall be summoned or impaneled.

APPROVED June 21, 1895.

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#### TERMS OF CIRCUIT COURT.

§ 1. Amends sec. 5 of the amended act of 1879 by changing the time of holding Circuit Court in the 4th circuit.

*AN ACT to amend section five (5) of "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by an act approved June 26, 1885, in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section five (5) of "An act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits in the*



State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by an act approved June 26, 1885, in force July 1, 1885, be amended to read as follows:

78d, Section 5. Fourth Circuit. In the county of Vermilion, on the third Monday in January, third Monday of May and first Monday of October; in the county of Edgar, on the second Monday of March and the second Monday of September; in the county of Douglas, on the second Monday of April and the second Monday of October; in the county of Clark, on the third Monday in April and the third Monday in October; in the county of Coles, on the second Monday of April and the second Monday of November; in the county of Piatt, on the first Monday of September and the first Monday of February; in the county of Champaign, on the fourth Monday of September and the first Monday in March; in the county of Moultrie, on the third Monday in November and the third Monday of April; in the county of Macon, on the second Monday of January, the first Monday of June and the fourth Monday of September.

APPROVED June 21, 1895.

#### TERMS OF CIRCUIT COURTS.

§ 1. Amends section 7 of the amended act of 1879 by changing the time of holding circuit courts in the 6th circuit.

*AN ACT to amend section seven of an act entitled "An act concerning circuit courts and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, in force July 1, 1879, and amended by an act approved and in force June 17, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seven of an act entitled "An act concerning circuit courts and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of Cook county," approved May 24, 1879, in force July 1, 1879, and amended by an act approved and in force June 17, 1891, to be amended to read as follows:

Section 7. Sixth Circuit. In the county of Adams, on the third Monday in January and fourth Monday of March, and on the third Monday of May, and on the third Monday of June, and third Monday of September, and on the fourth Monday of October; in the county of Hancock, on the third Monday of March, the first Mondays of June and October; in the county of McDonough, on the first Tuesday of February, the second Tuesday of May and the second Tuesday of September: *Provided*, that the May term shall be devoted exclusively to the trial of chancery causes, and to the trial or transaction of any business in civil and crim-

final cases not requiring a jury, and no jury shall be impaneled for said May term; in the county of Brown, on the fourth Monday of February and the first Monday of September; in the county of Fulton, on the second Monday of March, the third Monday of August and the first Monday of December; in the county of Pike, on the second Monday of April, the third Monday of June and the second Monday of November: *Provided*, that the June term shall be devoted exclusively to the trial of chancery causes and to the trial or transaction of any business in civil and criminal cases not requiring a jury, and no jury, grand or petit, shall be summoned for said June term; in the county of Schuyler, on the fourth Tuesday in April and the third Tuesday in October.

APPROVED, June 17, 1895.

#### TERMS OF CIRCUIT COURTS.

§ 1. Amends section 13 of the act of 1879 by changing the time for holding Circuit Court in the 12th circuit.	§ 2. Emergency.
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*AN ACT to amend section thirteen (13) of an act entitled "An act concerning circuit courts, and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section thirteen of an act entitled "An act concerning circuit courts and to fix the time of holding the same in the several counties in the judicial circuits in the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, be and the same is hereby amended so as to read as follows:*

Section 13. In the county of Kane, on the first Monday of February, on the third Monday of April and on the first Monday of October; in the county of DuPage on the fourth Monday of March and on the first Monday of October; in the county of Kendall, on the fourth Monday of February and on the fourth Monday of October; in the county of Boone, on the second Mondays of September and February; in the county of DeKalb, on the third Monday of June and the fourth Mondays of October and February; in the county of McHenry, on the second Monday of January and the fourth Mondays of May and September; in the county of Lake on the second Monday of March and the second Monday of November.

§ 2. EMERGENCY. Whereas, in consequence of the condition of the legal business of said counties of Kendall, DuPage and Lake, an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

APPROVED April 17, 1895.

## COUNTY COURTS.

§ 1. Amends section 66 of the act of 1874, by changing the time at which the law term of the Macon County Court shall begin.

*AN ACT to amend Section sixty-six of an Act to extend the jurisdiction of the county courts and to provide for the practice thereof and fix the time for holding the same and to repeal an Act therein named, approved March 26, 1874, in force July 1, 1874, and amendments thereto.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 66 of an act to extend the jurisdiction of the county courts and to provide for the practice thereof, and fix the time for holding the same, and to repeal an act therein named, approved March 26, 1874, in force July 1, 1874, be amended to read as follows:

Section 66. Macon, on the second Monday in April, August and December of each year

APPROVED June 21, 1895.

## CRIMINAL CODE.

## FOR THE PREVENTION OF BLINDNESS.

§ 1. Infant having inflamed eyes—Nurse to report.	§ 2. Penalty.
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*AN ACT for the prevention of blindness.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Should any midwife or nurse having charge of an infant in this State notice that one or both eyes of such infant are inflamed or reddened at any time within two weeks after its birth, it shall be the duty of such midwife or nurse having charge of such infant to report the fact in writing, within six hours to the health officer, or some legally qualified practitioner of medicine of the city, town or district in which the parents of the infant reside.

§ 2. Any failure to comply with the provisions of this act shall be punishable by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months, or both.

APPROVED June 17, 1895.

## FOR THE PREVENTION OF BLINDNESS.

§ 1. Infant having inflamed eyes—Nurse to report.	§ 2. Penalty.
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*AN ACT for the prevention of blindness.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Should any midwife or nurse having charge of an infant in this State, notice that

one or both eyes of such infant are inflamed or reddened at any time within two weeks after its birth, it shall be the duty of such midwife or nurse having charge of such infant, to report the fact in writing, within six (6) hours to the health officer, or some legally qualified practitioner of medicine of the city, town or district, in which the parents of the infant reside.

§ 2. Any failure to comply with the provisions of this act shall be punishable by a fine not to exceed one hundred (100) dollars, or imprisonment not to exceed six (6) months, or both.

APPROVED JUNE 21, 1895.

#### CHILDREN.

§ 1. Amends act of 1877, as follows:

§ 42A. Certain employments and exhibitions of children forbidden.

§ 42B. And declared unlawful.

§ 42C. Criminal assault—Child deemed in custody of court.

§ 42D. Endangering life or health unlawful.

§ 42E. Penalty.

§ 53. Injury to child—Penalty—Jurisdiction—Repeal.

AN ACT to amend an act entitled "An act to prevent and punish wrongs to children," approved May 17, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 42A, 42B, 42C, 42D, 42E and 53 be amended so as to read as follows:

§ 42A. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years, to exhibit, use or employ, or in any manner, or under any pretense, sell, apprentice, give away, let out or otherwise dispose of any such child to any person in or for the vocation or occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for, or in any business, exhibition or vocation injurious to the health, or dangerous to the life or limb of such child, or cause, procure or encourage any such child to engage therein. Nothing in this section contained shall apply to, or effect the employment or use of any such child as a singer or musician in any church, school or academy, or in the teaching or learning the science or practice of music.

§ 42B. It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit or have in custody any child under the age and for the purposes prohibited in section 42A hereof.

§ 42C. When it shall appear that any person has made such unlawful use of, or has committed a criminal assault upon any child, such child shall be deemed to be in the custody of the court, who may make such order as is now provided by law in the case of vagrant, truant, disorderly, pauper or destitute children.



§ 42D. It shall be unlawful for any person having the care or custody of any such child, willfully to cause or permit the life of such child to be endangered, or the health of such child to be injured, or to willfully cause or permit such child to be placed in such a situation that its life or health may be endangered.

§ 42E. Whoever shall be guilty of cruelty to any child in any of the ways mentioned in this, or in the foregoing sections 42A, 42B, 42C and 42D shall be fined not less than five (5) dollars nor more than two hundred (200) dollars, and justices of the peace, and police justices or police magistrates shall have original jurisdiction in all such cases.

First: By cruelly beating, torturing, tormenting, overworking, [or] mutilating, or causing, or knowingly allowing the same to be done.

Second: By unnecessarily failing to provide any child in his or her charge, or custody, with proper food, drink, shelter and raiment.

Third: By abandoning any child.

§ 53. Any person who shall willfully or unnecessarily expose to the inclemency of the weather, or shall willfully, or unnecessarily in any manner injure in health or limb any child, apprentice, or other person, under his legal control, shall be fined not exceeding two hundred (200) dollars, and justices of the peace and police justices or police magistrates shall have original jurisdiction in all such cases. All acts and parts of acts in conflict with this are hereby repealed.

APPROVED June 21, 1895.

#### DISCHARGE OF PRISONER.

§ 1. Amends section 18, division XIII of the act of 1874, by specifying the particular period of time after which the accused may be discharged for want of prosecution.

*AN ACT to amend section eighteen (18) of article thirteen (13) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section eighteen (18), article thirteen (13) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be amended to read as follows:*

Section 18. Any person committed for a criminal or supposed criminal offense, and not admitted to bail, and not tried at some term of the court having jurisdiction of the offense commencing within four months of the date of commitment, or if there is no term commencing within that time, then at or before the first

term commencing after said four months, shall be set at liberty by the court, unless the delay shall happen on the application of the prisoner, or unless the court is satisfied that due exertion has been made to procure the evidence on the part of the people, and that there is reasonable grounds to believe that such evidence may be procured at the next term, in which case the court may continue the case to the next term. If any such person shall have been admitted to bail for an alleged offense, other than a capital offense, he shall be entitled, on demand, to be tried at some term commencing within four months after he has been admitted to bail, if there is a term of court within that time at which he may be tried, if not, then at the first term after the expiration of said four months: *Provided*, that if the court shall be satisfied that due exertions have been made to procure the evidence on behalf of the people, and that there is reasonable ground to believe such evidence may be procured at the next term or at some term to commence within seventy (70) days thereafter, the court may continue the cause to such term.

APPROVED June 21, 1895.

#### FRAUDS.

§ 1. Amends section 117 Act 'of 1874 by extending its provisions to water and electric currents.

*AN ACT to amend section one hundred and seventeen (117) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one hundred and seventeen (117) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows, viz.:

Section 117. Any person who, with intent to injure or defraud any company, body corporate, co-partnership or individual, shall injure, alter, obstruct or prevent the action of any meter provided for the purpose of measuring and registering the quantity of gas, water, or electric current consumed by or at any burner, orifice, or place, or supplied to any lamp, motor, machine or appliance, or shall cause or procure or aid the injuring or altering of any such meter or the obstruction or prevention of its action, or shall make or cause to be made with any gas pipe water pipe or electrical conductor any connection so as to conduct or supply illumination or inflammable gas, water, or electric current to any burner, or orifice, or lamp, or motor, or other machine or appliance from which such gas, water or electricity may be consumed or utilized without passing through or being registered by a meter or without the consent or acquiescence of the company, municipal corporation, body corporate, co-partnership or individual furnishing or

transmitting such gas, water or electric current through such gas pipe, water pipe or electrical conductor, shall be punished by imprisonment not exceeding three (3) months, or a fine not exceeding two hundred and fifty (250) dollars, or both.

APPROVED June 21, 1895.

#### GAMBLING DEVICES.

§ 1. Operating gambling device—Penalty.

§ 3. Possession of—Penalty.

§ 2. Gambling device defined—Confiscation.

§ 4. Emergency.

AN ACT *to prohibit the use of clock, tape, slot or other machines or devices for gambling purposes.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whoever, in any room, saloon, inn, tavern, shed, booth or building or enclosure or in any part thereof operates, keeps, owns, rents or uses any clock, joker, tape or slot machine or any other device upon which money is staked or hazarded or into which money is paid or played upon chance, or upon the result of the action of which money or other valuable thing is staked, bet, hazarded, won or lost, shall, upon conviction for the first offense, be fined not less than one hundred (100) dollars, and for a second offense be fined not less than five hundred (500) dollars and be confined in the county jail for not less than six (6) months, and for the third offense shall be fined not less than five hundred (500) dollars and be imprisoned in the penitentiary not less than two (2) years nor more than four (4) years.

§ 2. Every clock, tape machine, slot machine or other machine or device for the reception of money on chance, or upon the action of which money is staked, hazarded, bet, won or lost is hereby declared a gambling device, and shall be subject to seizure, confiscation and destruction by any municipal or other local authority within whose jurisdiction the same may be found.

§ 3. Every owner, occupant, lessee, mortgagee or other person in possession of any premises upon which any gambling device may be located, and every person in the use, operation, lease or other possession of the same shall be fined for the first offense not less than one hundred (100) dollars, and for the second offense shall be fined not less than five hundred (500) dollars and shall be confined in the county jail not less than six (6) months, and for the third offense shall be fined not less than five hundred (500) dollars and shall be imprisoned in the penitentiary not less than two (2) years nor more than four (4) years.

§ 4. WHEREAS, an emergency exists, therefore this act shall be in force and effect from and after its passage.

APPROVED June 21, 1895.

## FOR THE PREVENTION OF WRONGFUL TAKING OF NEWS DISPATCHES.

§ 1. Wrongfully tapping or connecting wire for taking news dispatches. Penalty.

AN ACT to prevent the wrongful taking of news dispatches from telegraph or telephone wires, and to provide a penalty for violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall within this State wrongfully tap or connect a wire with the telegraph or telephone wires of any person, company or association engaged in the transmission of news or telegraph or telephone lines between the states or in this State for the purpose of wrongfully taking or making use of the news dispatches of such person, company or association, or of its customers, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two thousand (2,000) dollars, or imprisonment not exceeding one year in the county jail or house of correction, or by both such fine and imprisonment.

APPROVED June 15, 1895.

## OBSTRUCTION OF HIGHWAYS.

§ 1. Prohibits obstruction of highways—penalty.

AN ACT entitled "*An act concerning travel upon public highways.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That if any person shall willfully and unnecessarily hinder, obstruct or delay, or shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any public highway in this State, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten (10) nor more than twenty-five (25) dollars, and shall also be liable for all damages occasioned to any person by reason of a violation of this act.

APPROVED, June 21, 1895.



## PAROLE SYSTEM.

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| § 1. Terms of imprisonment to be general.                     | § 6. Warden to keep in communication with paroled convicts—Final discharge.  |
| § 2. Penitentiary commissioners to constitute prison board.   | § 7. Release on parole—Provision for prisoner—Clothing, transportation, etc. |
| § 3. Official information of prisoner's character and habits. | § 8. Violation of parole—Penalty.  |
| § 4. Rules. Register.   | § 9. Repeal.   |
| § 5. Granting of parole.                                      |  |

*AN ACT in relation to the sentence of persons convicted of crime and providing for a system of parole.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person over twenty-one years of age, who shall be convicted of a felony or other crime punishable by imprisonment in the penitentiary, excepting treason and murder, shall be sentenced to the penitentiary, but the court imposing such sentence shall not fix the limit or duration of the sentence, and the term of imprisonment of any person so convicted and sentenced shall not exceed the maximum term nor be less than the minimum term provided by law for the crime for which the person was convicted and sentenced, making allowance for good time as now provided by law. The release of such prisoner to be determined as hereinafter provided.

§ 2. The commissioners of any penitentiary in this State shall constitute a prison board for the purposes hereinafter specified.

§ 3. It shall be the duty of the judge before whom the prisoner is tried and convicted, and also of the State's Attorney, to furnish such prison board, together with the warrant of commitment, all information that they can give in regard to the career of the prisoner before the committal of the crime for which he was sentenced, stating to the best of their knowledge whether the prisoner was industrious or not; of good character or not; what his associates were; what his disposition was, and all other facts and circumstances that may tend to throw any light upon the question as to whether such prisoner is capable of again becoming a good citizen, and the said prison board shall also have the power to call upon any other official or person for similar information, and where practicable shall procure such information from the people who have known the prisoner.

§ 4. It shall be the duty of said prison board to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to criminal courses, best secure their self support, and accomplish their reformation. When any prisoner shall be received into said penitentiary, the warden shall cause to be entered into a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and, based upon these, an

estimate of the present condition of the prisoner, and the best probable plan of treatment. And the physician of said penitentiary shall carefully examine each prisoner when received and shall enter in a register to be kept by him, the name, nationality or race, the weight, stature and family history of each prisoner, also a statement of the condition of the heart, lungs and other leading organs, the rate of the pulse and respiration, the measurement of the chest and abdomen, and any existing disease or deformity, or other disability, acquired or inherited. Upon the warden's register shall be entered from time to time minutes of observed improvement or deterioration of character, and notes as to the method and treatment employed; also all alterations affecting the standing or situation of such prisoner, and any subsequent facts or personal history which may be brought officially to his knowledge bearing upon the question of the parole or final release of the prisoner.

§ 5. The said prison board shall have power to establish rules and regulations under which prisoners within the penitentiary may be allowed to go upon parole outside of the penitentiary building and enclosure, but to remain while on parole in the legal custody and under control of the prison board, and subject at any time to be taken back within the enclosure of said penitentiary, and full power to enforce such rules and regulations and to retake and re-imprison any inmate so upon parole, is hereby conferred upon the warden, whose order, certified by the clerk of the prison, with the seal of the penitentiary attached thereto, shall be a sufficient warrant for the officer named in it to authorize such officer to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process: *Provided*, that no prisoner shall be released on parole until the said prison board shall have made arrangements, or shall have satisfactory evidence that arrangements have been made for his honorable and useful employment while upon parole, in some suitable occupation, and also for a proper or suitable home, free from criminal influences, and without expense to the board.

§ 6. It shall be the duty of the warden to keep in communication, as far as possible, with all prisoners who are on parole, and also with their employers, and when, in his opinion, any prisoner who has served not less than six months of his parole acceptably, has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, the warden shall make certificate to that effect to the prison board, and the board shall at the next meeting thereafter consider the case of the prisoner so presented, and when said board shall decide that said prisoner is entitled to his final discharge, said board shall cause a record of the case of said prisoner to be made, showing the date of his commitment to the penitentiary, his record while detained therein, the date of his parole, his record while on

parole and their reason for recommending his final discharge. Said record shall be signed by the board and attested by the secretary, with the seal of the penitentiary, and sent to a judge of the court that sentenced said prisoner to the penitentiary. Said judge shall enter an order for the final discharge of said prisoner from further liability under his sentence. On being approved by the Governor said order shall constitute a full discharge of said prisoner from further liability under his sentence. But no petition or other form of application for either the parole or final release of any prisoner shall be entertained by the warden or prison board. Nothing in this act shall be construed as impairing the power of the Governor to grant a pardon or commutation in any case.

§ 7. Upon the release of any prisoner upon parole from the penitentiary, the warden shall provide him with suitable clothing, with ten dollars in money, and shall procure transportation for him to his place of employment. The warden shall make the same provision for any prisoner discharged from the penitentiary by expiration of his maximum sentence, save that he shall procure transportation for said prisoner to his home, if within the State, if not, to the place of his conviction.

§ 8. If any prisoner shall violate the conditions of his parole or release as fixed by the prison board, he shall be declared a delinquent, and shall thereafter be treated as an escaped prisoner, owing service to the State, and shall be liable, when arrested, to serve out the unexpired term of his maximum possible imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any portion or part of time served. And any prisoner at large upon parole or conditional release, who shall commit a fresh crime and upon conviction thereof shall be sentenced anew to the penitentiary, shall be subject to serve the second sentence after the first sentence is served or annulled, said second sentence to commence from the termination of his liability upon the first or former sentence.

§ 9. All laws or parts of laws in conflict with provisions of this act are hereby repealed.

APPROVED June 15, 1895.

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SUNDAY OBSERVANCE—BARBER SHOPS PROHIBITED FROM KEEPING OPEN.

§ 1. Unlawful to keep open Sunday.

§ 2. Penalty.

AN ACT to prohibit barber shops from keeping open on Sunday.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person or persons to keep open any barber shop or carry on the business of shaving, hair-cutting or tonsorial work on Sunday within this State.

§ 2. Any person by himself, agent or employé violating the provisions of section 1 of this act shall, upon conviction thereof, be fined in any sum not exceeding two hundred (200) dollars for each and every offense.

This bill, having remained with the Governor for a period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

## DRAINAGE.

### ABATEMENT OF ASSESSMENTS IN LEVEE AND DRAINAGE DISTRICTS.

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| § 1. County courts empowered to abate assessments upon petition. | § 2. What petition to set forth—Notice—Hearing. |
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*AN ACT in relation to the abatement of assessments for benefits in levee and drainage districts.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the county courts of this State in any county or counties wherein any such levee or drainage district exists, shall have power, upon petition of the commissioners of such district or districts, or of any land owner of lands located therein, to inquire and ascertain whether any assessment or assessments for benefits in such district exceed the total amount of all indebtedness of such district, based upon such assessment or assessments respectively. And in the event that such court shall find from the evidence that such assessment or assessments is or are in excess of such total amount of outstanding indebtedness based thereon, such court shall have power to abate the amount of such assessment or assessments so in excess of all such indebtedness: *Provided, however,* that no such abatement of assessments shall be made whereby any contract of such drainage district for the payment of indebtedness based upon such assessments shall be impaired.

§ 2. Such petition for abatement of assessment shall state the total amount of balance of assessment wherefrom abatement is sought, and the total amount balance of indebtedness based on such assessment and the balance of excess of assessment above such balance of indebtedness, and the truth of the facts averred in the petition shall be verified by affidavit. Such petition shall be filed at least forty days prior to the first day of the term of court at which the same is sought to be tried and heard, and no hearing, order or decree shall be had or taken thereon until publication of notice of the tendency of such petition, addressed to whom it may concern, stating the object of such petition and the subject matter thereof, as herein required to be set forth, shall



have been published in some public newspaper, published in the county wherein the matter of such petition is pending, at least once in each week and for four successive weeks, the first publication thereof being not less than forty days prior to the first day of the term of court at which such hearing shall take place. Any creditor of said district, the owner of any evidence of indebtedness based upon such assessment so sought to be abated, or any person interested shall have the right to appear at the hearing of said petition and show cause, if any, why the abatement, or any part thereof petitioned for, should not be made.

APPROVED June 15, 1895.

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TO AUTHORIZE DRAINAGE DISTRICTS TO ISSUE BONDS.

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| § 1. Commissioners of drainage districts authorized to issue bonds, upon petition. | § 4. Duties of Auditor—Levy and collection of tax.                        |
| § 2. Record for bonds prerequisite.  | § 5. State to be custodian only of funds raised under this act—Emergency. |
| § 3. Registration and certification of bonds by Auditor of Public Accounts,        |   |

*AN ACT authorizing all drainage districts to issue bonds, and providing for the registration and payment thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for the commissioners of each and every drainage district heretofore or hereafter organized under any law of this State to issue the bonds of their respective districts, to an amount not exceeding ninety (90) per centum of the aggregate amount of any assessment theretofore levied upon the lands of said district, such bonds to bear interest at a rate not exceeding six (6) per centum per annum, payable annually, and of such form and tenor as said commissioners shall by resolution provide, but no bonds shall be issued under this section until the property owners representing a majority in amount of the lands lying in such district shall petition the commissioners for the issue thereof.

§ 2. Before issuing any bonds under the provisions of this act the corporate authorities of any district desiring to issue bonds shall provide a well bound book in which a record of all bonds issued, with their number, amount, rate of interest, date of issue, when due, where payable, amount received for the same, and the assessment, tax levy, installment, or part thereof, on account of which the bonds are issued, shall be made, and said book shall at all times be open to the inspection of all parties interested in said district, either as taxpayers or bondholders, and on the payment of any bond an entry thereof shall be made in said book in proper column for that purpose.

§ 3. On the presentation of any bond issued under the provisions of this act, at the office of the Auditor of Public Accounts for registration, the said Auditor shall cause the same to be registered

in his office in a book to be kept for that purpose. Such registration shall show the date, amount, number, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond; under what act and by what district issued, and the name of the person or persons presenting the same for registration, and for such registration the Auditor shall be entitled to a fee of twenty-five (25) cents. And the Auditor shall, under the seal of his office, certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five (25) cents, such fees to be paid by the person or persons desiring such registration and certificate, but no bonds issued under this act shall be entitled to registration in the office of the State Auditor until a sworn statement by the corporate authorities of the district issuing the bond shall have been filed with him, showing the date of the organization of the district, in what county organized, the time when the assessment levy or part thereof on account of which the bonds are issued will become due, and the date, number, amount, rate of interest and date of maturity of the bonds, together with any other information in relation thereto which may be demanded by the Auditor of Public Accounts.

§ 4. When any bonds issued under the provisions of this act shall be so registered, the Auditor of Public Accounts shall annually ascertain the amount of interest or interest and principal due and accrued, or to accrue for the current year on all such bonds so registered in his office, together with the ordinary cost to the State of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make out and transmit to the county clerk of the county in which said district is organized, a certificate setting forth such estimated amount of such particular district for such purposes, to be filed in his office and recorded in the drainage record, and the amount thereof shall thereupon be deemed added to and a part of the amount which may be levied and provided by law within the limits of said district for the purposes of state revenue, and thereupon it shall be the duty of the clerk of said district to compute and apportion the amount so certified among the several tracts and property assessed for benefits in such district, in the manner as original levies are computed under this act, and thereupon he shall make out a tax list of the lands and property in the district, and extend opposite each tract and property its pro rata share of the amount so certified by the Auditor, and deliver the same to the treasurer of the district. Where the district lies in more than one county, the clerk shall make out a separate tax list of the lands and property assessed for benefits in each county, showing the pro rata share levied against the same separately, and deliver the same to the county clerk of the respective counties, and the clerk or clerks of the respective counties at the time of making up the tax books and extending the state taxes shall extend on the tax books for collection the pro rata share thus

levied, and the same shall be collected with the state taxes, and all laws of this State relating to the state revenue shall apply thereto.

§ 5. The State shall be deemed the custodian only of the tax so collected, and shall not be deemed in any manner liable on account of such bonds, but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, to satisfy which the same is hereinbefore provided to be collected as aforesaid, and such bonds issued under the authority hereof shall be deemed secured and provided for in virtue thereof until fully satisfied. The State shall annually collect and apply the said fund to the satisfaction of the interest or interest and principal, as the case may be, of such registered bonds of any such district, and the interest, coupons or bonds so paid shall be cancelled by the State Treasurer and returned to the corporate authorities of the district which issued them. Whereas, many drainage districts desire to avail themselves of the benefit of this act, therefore, an emergency exists, and that therefore this act shall be in force from and after its passage.

APPROVED June 15, 1895.

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DRAINS, DITCHES AND LEVEES FOR AGRICULTURAL, SANITARY AND MINING PURPOSES.

§ 1. Amends the amended act of 1879 in the following sections:

§ 20. Hearing objections by jury—Provision relating to adjustment eliminated.

§ 21. Proceedings on hearing.

§ 22. Confirmation of assessment.

§ 25. Correction of roll—Confirmation of assessment—Effect of appeal, etc.

§ 2. Repeal.

AN ACT to amend sections twenty (20), twenty-one (21), twenty-two (22), and twenty-five (25), and to repeal sections twenty-three (23) and twenty-four (24) of an act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by an act entitled "An act to revise and amend an act and certain sections thereof entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, as amended by certain acts herein entitled and to repeal certain laws therein named," approved June 30, 1885, in force July 1, 1885.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections

twenty (20), twenty-one (21), twenty-two (22) and twenty-five (25) of an act entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees across the land of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, as amended by an act entitled "An act to revise and amend an act and certain sections thereof entitled 'An act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, as amended by certain acts herein entitled, and to repeal certain laws therein named," approved June 30, 1885, in force July 1, 1885, be amended so as to read as follows:

§ 20. The jury shall appear at the time and place appointed, and shall hear all objections that may be made by the owners of any lands which may be allowed damages, or which have been assessed for benefits, or by the commissioners, to the allowance of damages to, or assessments of benefits against, any tract of land, and shall make such corrections as shall seem to them just and equitable.

§ 21. Such hearing, if the proceedings are in the county court, shall be in open court, and the judge of said court shall preside, and the cause shall proceed to a hearing the same as in appeal cases from justices of the peace in such court. The court may, at any time during the proceedings of the jury in making their assessment or considering objections thereto, impanel one or more jurors in the place of any juror or jurors who may fail, for any cause, or refuse to act. At the hearing, the respective parties shall be allowed to introduce all proper evidence, and may be heard either in person or by counsel. After such hearing, the jury shall retire for the consideration of their verdict, which shall consist of making such amendments and corrections to such assessment roll as to them shall seem best and equitable from the law and the evidence in the case, including the personal view of the lands made by them. And if such hearing shall be before the justice of the peace, he shall preside and have the same authority, and proceed in the same manner, as near as may be, as in other causes before justices of the peace.

§ 22. If no objections shall be made to the assessment at the time and place appointed to hear objections, or if objections shall be made only to a portion of such assessments, the jury shall confirm that portion of such assessment to which no objection has been made, which shall be certified by the foreman of the jury and delivered to the commissioners, who shall return the same to the court before which said petition was filed, within ten days from such confirmation, and thereupon such assessment shall be approved by the court and spread upon the records thereof, and no appeal shall be allowed therefrom.



§ 25. When that part of the assessment roll shall have been heard and corrected, to which objections have been filed as aforesaid, or in case no correction on hearing shall be required to be made, the court shall confirm the same and cause it to be spread upon the records, and appeals or writs of error shall be allowed therefrom as in cases of appeals from, and writs of error to the county courts in proceedings for the sale of lands for taxes or special assessments: *Provided*, the granting of an appeal in one or more cases, or to one or more persons, shall not operate to defer the confirmation of said assessment roll in other cases, but the court may proceed to confirm said assessment roll as to all lands where no appeal is taken, and in all appeals taken from the confirmation made by the county court, if the judgment of the county court shall be affirmed, or if upon such cause being remanded for a new trial the judgment of said court shall be in favor of said district, the county court shall order the judgment so rendered to be made a part of said confirmed roll, and the assessment of benefits or damages so found shall be extended on said roll and the same shall become a part thereof.

§ 2. That sections twenty-three (23) and twenty-four (24) of the said act to which this act is an amendment, be and the same are hereby repealed, but the repeal of said sections shall not affect any suits that may be pending at the time this act shall take effect.

APPROVED June 24, 1895.

#### FARM DRAINAGE.

§ 1. Amends the act of 1885 by adding thereto sections, as follows:

§ 15A. Election of Drainage Commissioners—  
Oath.

§ 15B. Treasurer—Appointment, qualification, compensation and duties of.

AN ACT to amend an act entitled "An act to provide for drainage of [for] agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to provide for drainage of [for] agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885, be amended by inserting sections 15A and 15B, as follows:

§ 15A. Upon the organization of any drainage district as provided in section 15 of this act, the duties and obligations of the commissioners of highways, as said drainage commissioners of such district, shall cease as soon as drainage commissioners shall have been elected and qualified, as herein provided. It shall be the duty of the town clerk to call an election in each district in

his township, including the new districts organized during the previous year, by giving ten (10) days' notice that an election will be held (specifying time and place), said notices shall be posted in three (3) conspicuous places in said districts. Elections shall be held in the several drainage districts organized under this act, on the second Saturday in March of each year, between the hours of 2 and 6 o'clock p. m. At the first election in each district there shall be elected three (3) commissioners, one for one year, one for two years, and one for three years, and annually thereafter, one drainage commissioner shall be elected who shall hold his office three years, and until his successor is elected and qualified. Every adult owner of land in the district, whether residing within or without the district, shall be a voter, and if a resident of the county in which the district or any part thereof lies, eligible to the office of drainage commissioner. Said elections shall be conducted after the manner provided by law governing school elections. Commissioners of highways shall act as judges and clerk of the first election held in any district; thereafter the drainage commissioners shall act as judges and clerk of elections in their respective districts. If said commissioners be not present, it shall be competent for the electors present to select judges and clerk of said election. Returns of said election shall be made to the town clerk, who shall record the same in a book kept for that purpose. Said commissioners shall take the oath of office before some officer authorized to administer oaths. Said commissioners shall be known by the corporate name of Drainage Commissioners of ..... District No. ...., of the town of ....., County of ....., State of Illinois, and by that name shall be a body politic and corporate, and may sue and be sued, plead and be impleaded, contract and be contracted with, and shall be the corporate authority of their respective districts. Before entering upon their duties as herein provided, the drainage commissioners shall take and subscribe an oath substantially as follows, viz.:

We, ....., Drainage Commissioners of Drainage District No. ...., do solemnly swear (or affirm) that we will faithfully and impartially perform the duties required of us to the best of our understanding and judgment, and make assessments of damages and benefits (or benefits as the case may be), in favor of or against the land in said district, according to law.

§ 15B. The said drainage commissioners shall appoint a treasurer, who shall receive all funds of the drainage district, paying the same out only on a written order, signed by the chairman and countersigned by the clerk of the said board of drainage [commissioners]. Said commissioners shall fix the compensation of the said treasurer, which shall not exceed two (2) per centum of the amount paid out. The treasurer of said drainage district, before receiving any of said fund, shall execute a good and sufficient bond, in double the amount that shall probably come into his hands as such treasurer, with two or more sureties, to be filed with the town clerk for the benefit of the drainage district.

APPROVED June 21, 1895.

## SANITARY DISTRICTS.

§ 1. Amends section 12 of the act of 1889 to authorize the levy and collection of taxes of  $1\frac{1}{2}$  per cent for 1895, 1896 and 1897, an increase of 1 per cent.

§ 2. Amends section 20 to compel sanitary districts to maintain channels 20,000 cubic feet of water for each 100,000 inhabitants.

AN ACT to amend sections 12 and 20 of "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 12 and 20 of "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, be and the same are hereby amended to read as follows:

§ 12. The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which for each of the years 1895, 1896 and 1897 shall not exceed one and one-half per centum of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for the State and county taxes of the year in which the levy is made, and the aggregate amount of which in any one year after the year 1897 shall not exceed one-half of one per centum of such value. Said board shall cause the amount required to be raised by taxation in each year to be certified to the county clerk on or before the second Tuesday in August, as provided in section one hundred and twenty two of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law.

§ 20. Any channel or outlet constructed under the provisions of this act which shall cause the discharge of sewage into or through any river or stream of water beyond or without the limits of the district constructing the same shall be of sufficient size and capacity to produce a continuous flow of water of at least two hundred cubic feet per minute for each one thousand of the population of the district drained thereby and the same shall be kept and maintained of such size and in such condition that the water thereof shall be neither offensive or injurious to the health of any of the people of this State and before any sewage shall be discharged into such channel or outlet all garbage, dead animals and parts thereof and other solids shall be taken therefrom, and said district shall, at the time any sewage is turned into or through any such channel or channels, turn into said channel or channels not less than twenty thousand cubic feet of water per

minute for every one hundred thousand inhabitants of said district, and shall thereafter maintain the flow of such quantity of water.

This bill, having remained with the Governor for the period of ten days, Sundays excepted, after having been presented to him, and he having neither approved the same, nor returned it with his objections thereto, to the House in which it originated, and the General Assembly being in session, it becomes a law in like manner as if he had signed it.

Witness my hand this 10th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

## ELECTIONS.

### CITIES, TOWNS AND VILLAGES—ARTICLE VII.

§ 1. Amends section 1 of article VII by increasing the salary of the chief clerk of the Board of Election Commissioners in Cook county from \$2,000 to \$3,500 per annum.

*AN ACT to amend an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of article seven of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, be and the same is hereby amended so as to read as follows:

### ARTICLE VII.

§ 1. Such election commissioners and the chief clerk of the board of election commissioners shall be paid by the county, and for the purpose of fixing their fees and compensation the several counties of this State are divided into three classes, as they are now classified by law, as to fees and salaries.

In counties of the first class said election commissioners shall each receive a salary of \$500, and said chief clerk a salary of \$400 per annum. In counties of the second class such election commissioners shall each receive a salary of \$700, and such chief clerk a salary of \$600 per annum. In counties of the third class, to-wit: in Cook county, such election commissioners shall each receive a salary of \$1,500, and such chief clerk a salary of \$3,500 per annum. All expenses incurred by said board of election commissioners shall be paid by such city.

Such salaries and expenditures are to be audited by the county judge, and such salaries shall be paid by the county treasurer upon the warrant of such county judge, out of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer upon the warrant of such county



judge, out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities respectively to make provision for the prompt payment of such salaries and expenses, as the case may be.

APPROVED June 17, 1895.

#### CONTESTED ELECTIONS.

§ 1. Amends the act of 1872 as follows:

Section 116. Trial.

Section 97. Extending the jurisdiction of the circuit courts and including the superior court of Cook county.

*AN ACT to amend sections ninety-seven (97) and one hundred and sixteen (116) of an act entitled "An act in regard to elections, and to provide for filling vacancies in elective offices."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections ninety-seven (97) and one hundred and sixteen (116) of an act entitled "An act in regard to elections, and to provide for filling vacancies in elective offices," be amended to read as follows:

Section 97. The circuit courts in the respective counties, and in Cook county the superior court also, may have [hear] and determine contests of the election of judges of the county courts, mayors of cities, presidents of county boards, presidents of villages, in reference to the removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county, and concurrent jurisdiction with the county court in all cases mentioned in section ninety-eight (98).

Section 116. The case shall be tried in like manner as cases in chancery, and may be heard and determined by the court in term time, or by the judge in vacation, at any time not less than ten (10) days after service of process, or at any time after the defendant is required by notification to appear, and shall have preference in the order of hearing to all other cases. The court in term time, or the judge in vacation, may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest.

APPROVED June 17, 1895.

## ELECTION OF JUDGE OF THE SUPERIOR COURT OF COOK COUNTY.

§ 1. Amends section 13 of the amended act of 1872 with regard to the time of electing Judges of the Superior Court of Cook County.

*AN ACT to amend section thirteen (13) of an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by act approved April 11, 1873, in force July 1, 1873.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section thirteen (13) of an act entitled "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by act approved April 11, 1873, in force July 1, 1873, be and the same is hereby amended so as to read as follows:*

Section 13. The judges of the superior court of Cook county shall be elected as follows: One on Tuesday next after the first Monday of November, in the year of our Lord 1873, and every six (6) years thereafter; one on Tuesday next after the first Monday of November, in the year of our Lord 1875, and every six (6) years thereafter; and one on Tuesday next after the first Monday of November, in the year of our Lord 1877, and every six (6) years thereafter: *Provided*, that no election of judges of the superior court of Cook county be held, except at the same time with the regular election of the board of county commissioners of Cook county, as fixed by law, and that every judge of said superior court shall hold office for six (6) years, and until his successor is elected and qualified.

APPROVED June 21, 1895.

## ELECTION PRECINCTS.

§ 1. Amends section 30 of the amended act of 1872, dividing election precincts into districts. □

*AN ACT to amend section thirty (30) of an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by an act approved June 18, 1883, in force July 1, 1883, and also as amended by an act approved June 29, 1885, and in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section thirty (30) of an act entitled "An act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by an act [approved] June 18, 1883, in force July 1, 1883, and also as amended by an act approved June 29, 1885, in force July 1, 1885, be and the same is hereby amended so as to read as follows:*

§ 30. CHANGE OF ELECTION PRECINCTS—DIVIDING PRECINCTS INTO DISTRICTS. The county board in each county shall at its regular (or at a special) meeting in the month of July, 1885, respectively divide its election precincts, which contain more than four hundred and fifty voters, into election districts, so that each district shall contain, as near as may be practicable, four hundred voters, and not more, in any case, than four hundred and fifty. Said districts shall be composed of contiguous territory, and in as compact a form as can be for the convenience of the electors voting therein. The several county boards, in establishing said districts, shall describe them by metes and bounds and number them. And so often thereafter as it shall appear by the number of votes cast at the general election held in November of any year, that any election district, or undivided election precinct, contains more than four hundred and fifty, the county board of the county in which such district or precinct may be, shall at its regular (or at a special) meeting in the month of July next after such November election, re-divide or re-adjust the election districts, or divide such election precincts, so that no district or undivided election precinct shall contain more than the number of votes above specified. If said division or re-adjustment is not made at such July meeting, it may be made at an adjourned or special meeting of said county board, to be held in the month of August next thereafter. The county board in every case shall fix and establish the places for holding elections in its respective county, and all general and special elections shall be held at the places so fixed. The said polling places shall in all cases, be upon the ground floor, in the front room, the entrance to which is in a highway or public street, which is at least forty feet wide, and as near the center of the voting population of the district as is practicable, and for the convenience of the greatest number of electors to vote thereat, and in no case shall an election be held in any room used or occupied as a saloon, dramshop, billiard hall, bowling alley or as a place of resort for idlers and disreputable persons, or any room connecting therewith by doors or hallways. No person shall be permitted to vote at any election except in the district in which he resides: *Provided*, that the county board may, if it deem it to be for the best interest of the voters of any town or precinct, divide any election precinct which contains more than three hundred legal voters into two election precincts, same precincts to contain as near two hundred voters as is possible.

APPROVED April 4, 1895.

## PER DIEM OF JUDGES AND CLERKS OF ELECTION.

§ 1. Amends section 63 of the act of 1872, by increasing the per diem of judges and clerks in counties of the third class to \$5.

AN ACT to amend section sixty-three (63) of an act entitled "An act in regard to elections and to provide for filling vacancies in election [elective] offices," approved April 3, 1872, in force July 1, 1872. (L. 1871-2, p. 380).

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixty-three of an act entitled "An act in regard to elections and to provide for filling vacancies in election [elective] offices," approved April 3, 1872, in force July 1, 1872. (L. 1871-2, p. 380), be amended so as to read as follows:

Section 63. All judges and clerks of election, in counties of the first and second class shall be allowed the sum of three (3) dollars per day for their services, and judges and clerks of elections in counties of the third class the sum of five (5) dollars each per day for their services.

APPROVED June 24, 1895.

## EMPLOYMENT.

## JUDGMENT FOR WAGES.

§ 1. Judgments to include compensation for services of laborer's horse or team.

AN ACT to include in judgments for wages the services of the laborer's horse or team.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* In all actions brought to recover wages due any laborer or servant, when it shall appear to the satisfaction of the court or jury that it was necessary in the performance of said labor that the laborer or servant use his horse or team, then said services shall be included in said wages and become a part of the judgment for said wages, and from such judgment nothing shall be exempt.

APPROVED June 21, 1895.

## EXEMPTIONS.

## PERSONAL PROPERTY.

§ 1. Amends section 2 of the act of 1877, with reference to debtor's schedule—Additional schedule unnecessary within 70 or 90 days.

AN ACT to amend section two (2) of an act entitled "An act to exempt certain personal property from attachment and sale on execution and from distress for rent," approved May 24, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section two (2) of an act entitled "An act to exempt certain personal property from



attachment and sale on execution and from distress for rent," approved May 24, 1877, in force July 1, 1877, be and the same is hereby amended so as to read as follows:

§ 2. DEBTOR TO MAKE SCHEDULE—APPRAISEMENT. Whenever any debtor against whom an execution, writ of attachment or distress warrant has been issued, desires to avail himself of the benefit of this act he shall, within ten days after "a copy" of the execution, attachment or distress warrant is served upon him in the same manner as summonses are served in chancery, such copies of execution, attachment or distress warrant to have endorsed thereon a notice signed by the officer having such writ, notifying the debtor that he must file a schedule of his property within ten (10) days from the service thereof in order to claim his exemption under this act, whereupon the debtor shall make a schedule of all his personal property of every kind and character, including money on hand and debts due and owing to the debtor, and shall deliver the same to the officer having the execution, writ of attachment or distress warrant, or file the same with the justice, or in the court where the writ is issued, which said schedule shall be subscribed and sworn to by the debtor, and any property owned by the debtor and not included in said schedule shall not be exempt as aforesaid, and thereupon the officer having the execution, writ of attachment or distress warrant shall summon three householders, who, after being duly sworn to fairly and impartially appraise the property of the debtor, shall fix a fair valuation upon each article contained in said schedule, and the debtor shall then select from such schedule the articles he or she may desire to retain, the aggregate value of which shall not exceed the amount exempted, to which he or she may be entitled, and deliver the remainder to the officer having the writ, and the officer having such writ is hereby authorized to administer the oaths required herein of the debtor and appraisers. When judgment debtor has presented a sufficient schedule of all his personal estate, the return of such execution unsatisfied, and the issuing of an alias or subsequent execution shall not render it necessary for such judgment debtor, for the purpose of availing himself of the benefits of the exemption laws of this State, to present an additional schedule unless additional property has been acquired, before seventy (70) days from the date of the writ, if issued on a judgment rendered by a justice of the peace, or ninety (90) days if issued on any other judgment.

APPROVED, June 24, 1895.

## FEES AND SALARIES.

## PER DIEM FEES.

- § 1. Amends the act of 1893 to include clerks | § 2. Amends the title.  
in counties of the first class.

AN ACT to amend an act entitled "*An act to allow a per diem fee to clerks of the circuit and probate courts in counties of the second class,*" approved June 15, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to allow a per diem fee to clerks of the circuit and probate courts in counties of the second class,*" be amended to read as follows:

That the clerks of the circuit court and clerks of the probate court in counties of the first and second classes, shall be allowed the same per diem fees for attendance upon their respective courts as are now allowed by law to clerks of the county court and sheriffs in counties of the second class for such service.

§ 2. That the title of said act be amended to read as follows:

An act to allow a per diem fee to clerks of the circuit and probate courts in counties of the first and second class.

APPROVED June 7, 1895.

## REMISSION OF FEES.

- § 1. Amends the act of 1891 extending its provisions to cases of the adoption of children under the age of fourteen years.

AN ACT to amend section one (1) of an act entitled "*An act providing for the remission of fees of the clerks of county courts in certain cases in counties of the first and second class,*" approved June 18, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act providing for the remission of fees of the clerks of county courts in certain cases in counties of the first and second class,*" be and the same is hereby amended to read as follows:

Section 1. In all cases where by the death of any person there shall be left surviving such person, a widow or children resident of this State who are entitled out of said estate to a widow's or children's award, and the entire estate of such deceased person shall not exceed one thousand (1,000) dollars, and in case of any minor whose estate does not exceed the sum of five hundred (500) dollars, and whose father is dead, and in all cases of any idiot, insane person, lunatic or distracted person, drunkard or spendthrift, when such person has a wife or infant

child dependent on such person for support, and the entire estate of such person shall not exceed the sum of one thousand (1,000) dollars, and in cases of the adoption of children wherein it shall appear to the court that the child adopted is under the age of fourteen years, and that his or her estate does not exceed in value the sum of five hundred (500) dollars, the court shall make an order and cause the same to be entered of record, releasing and remitting all the fees of the clerk and other officers of the court.

APPROVED June 21, 1895.

## GENERAL ASSEMBLY.

### FIXING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

§ 1. Provides that members of the General Assembly shall receive \$1,000 for each regular session, \$5 per diem for special session, mileage, and \$50 for stationery, etc.

§ 2. Pay and mileage to be certified.

§ 3. Repeal.

AN ACT to provide for and fix the compensation of members of the General Assembly of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the members of the General Assembly hereafter elected shall receive for their services the sum of one thousand (1,000) dollars for each regular session, three hundred dollars of which sum shall not be paid until the *sine die* adjournment of such regular session, and five (5) dollars per day for any special or called session, and ten (10) cents per mile for each mile necessarily traveled in going to and returning from the seat of government at each session, to be computed by the Auditor of Public Accounts, and no other allowance or emolument directly or indirectly for any purpose whatsoever except the sum of fifty (50) dollars per session to each member, which shall be in full for stationery, newspapers, postage and all other incidental expenses and perquisites.

§ 2. The pay and mileage allowed to each member of the General Assembly shall be certified by the President of the Senate and Speaker of the House of Representatives and entered upon the journals and published at the close of the session.

§ 3. All acts in conflict herewith are hereby repealed.

This bill, having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

## GUARDIAN AND WARD.

### RELEASE OF CERTAIN CHILDREN FROM POOR-HOUSE.

§ 1. County judges authorized to release from custody of the keepers of poor-farms children for whom homes may be provided.

*AN ACT to authorize county judges to release certain children from custody of poor-houses and to make contracts with persons for their support, maintenance and education.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the county judges of the several counties of this State be, and they are hereby, authorized to make such orders as shall be necessary to release from the custody of the keepers of the poor-farms in their respective counties all children confined therein under the age of fourteen (14) years, who have no parents or legal guardians living, whenever the said judge can, without expense to the county, through the agency of any person or charitable society of this State, secure a good home for said child, and the said judge is hereby authorized, and it is made his duty, to enter into a contract on behalf of such child or children with the person who agrees to take such child, which contract shall provide that said child shall be clothed, maintained and schooled in the common schools of the State until he, if a male child, is twenty-one years old, and, if a female, until she is eighteen years of age.

APPROVED June 21, 1895.

## INSURANCE.

### CONSOLIDATION OF TOWNSHIP INSURANCE COMPANIES.

§ 1. Any number of township mutual fire insurance companies may consolidate.

§ 3. Consolidation—Proceedings.

§ 2. Petition of policy holders.

*AN ACT to authorize the consolidation of township insurance companies.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for any number of township mutual fire insurance companies, already organized, or hereafter to be organized, not exceeding twelve political townships of contiguous territory, to consolidate the same into one company.



§ 2. Such consolidation may be made by petition of the policy holders of the several companies representing a majority of the amount of insurance carried by each company, to the board of directors of the several companies respectively.

§ 3. Upon receipt of such petition, the board of directors of the several companies shall meet, and by a majority vote of the board of directors of each of the several companies, consolidate the several companies into one, assuming the name of either of the companies so consolidated, which company so named, under its existing charter, shall assume all the outstanding unexpired policies of the several companies, agreeable to the laws and regulations in force for the organization of township insurance companies, and subject to the constitution and by-laws of such company made in pursuance thereof.

APPROVED June 21, 1895.

#### FRATERNAL BENEFICIARY SOCIETIES.

§ 1. Amends the act of 1893 as follows:

§ 1. Fraternal beneficiary societies defined—  
Payment of benefit funds—Provisions.

§ 2. Inserts Insurance Superintendent in lieu  
of Auditor of Public Accounts.

§ 7. Same insertion.

§ 13. Same insertion—Elimination of pro-  
vision as to construction of act.

AN ACT to amend sections one (1), two (2), seven (7) and thirteen (13) of an act entitled "An act to provide for the organization and management of fraternal [beneficiary] societies for the purpose of furnishing life indemnity or pecuniary benefits to the beneficiaries of deceased members, or accident or permanent [indemnity] disability to members thereof, and to control such societies in [of] this State, and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith," approved June 22, 1893.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one (1), two (2), seven (7) and thirteen (13) of an act entitled "An act to provide for the organization and management of fraternal [beneficiary] societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent [indemnity] disability to members, and to control such societies in [of] this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith," approved June 22, 1893, be and the same is hereby amended to read as follows:

Section 1. A fraternal beneficiary society is hereby declared to be a corporation, society or association formed, organized or carried on for the sole benefit of its members and their bene-

ficiaries, and not for profit. Each such society shall have a lodge system, with ritualistic form of work or representative form of government, and may make provisions for the payment of benefits in case of disability and death, or of either, resulting from either disease, accident or old age of its members. The payment of such benefits in all cases being subject to compliance, by the member, with the contract, rules and laws of the society: *Provided*, the period in life at which payment of physical disability benefits on account of age may commence shall not be under seventy (70) years. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such society shall be defrayed shall be derived from assessments or dues collected from its members. Payment of death benefits shall only be made to the families, heirs, blood relations, affianced husband or affianced wife of, or to persons dependent upon the member: *Provided*, that a member having no wife or children living, may, with the consent of the society, make a charitable institution his beneficiary: *Provided, however*, that societies formed to include only the membership of any religious denomination may be permitted to provide that benefits under their certificates of membership may be paid to charitable or religious institutions. The members of any religious denomination may incorporate under this act, and shall only be required to have a lodge or branch system and a representative form of government. Membership in such corporation shall be confined to the members of such religious organization. Commercial travelers shall also be allowed to incorporate under the provisions of this act, but membership of such incorporation shall be confined to those actively engaged as commercial travelers. Such commercial travelers' incorporation shall have a lodge or branch system and representative form of government. All such societies shall be governed by this act, and shall be exempt from the provisions of all insurance laws of this State, and no law hereafter passed shall apply to them unless they be expressly designated therein.

§ 2. All such societies coming within the description as set forth in section 1 of this act, organized under the laws of this or any other state, and now doing business in this State, shall be considered duly organized, and may continue such business: *Provided*, that they hereafter make application for such permission and comply with the provisions of this act regulating annual reports, and the designation of the Insurance Superintendent as the person upon whom process may be served, as hereinafter provided.

§ 7. Any ten or more persons, citizens and voters of this State, may associate themselves together for the purpose of forming a corporation under this act, for which purpose they shall make, sign and acknowledge, before any officer authorized to take acknowledgments of deeds in this State, a certificate of association, in which shall be stated the name or title of the proposed society, the object for which it is formed, the plan of doing business clearly and fully defined, the names of the board of officers or managers

for the first year, and manner of selecting their successors, the limits as to age of applicants for membership, which shall not exceed sixty years, and that medical examinations are required, and that *bona fide* applications for membership have been secured from not less than five hundred persons, who have each made application for membership in such proposed society, and have been duly examined and recommended by a reputable physician, and have each deposited with the parties asking such charter the sum of one advanced assessment on each one thousand dollars of insurance or part thereof, provided for in the plan of organization of such society, as an advanced assessment for mortuary purposes, which certificate of association and applications, together with the certificate of some solvent bank or banks, that all such advanced mortuary funds are deposited therein, to be turned over to the treasurer of a subordinate lodge or branch, composed of such applicants, after the incorporation of such society, which certificate of association shall be filed with the Insurance Superintendent, accompanied by a fee of ten dollars. If the Insurance Superintendent shall find, after careful examination, that the objects of organization and plan of doing business are fully and definitely set forth and are clearly within the provisions of this act, and that the name or title is not the same or does not so nearly resemble a title in use as to have a tendency to mislead the public, he shall approve the same, and shall forthwith issue a certificate of organization of the society. Thereupon said society may proceed to transact business according to the plan of its organization.

§ 13. Any person who shall act within this State as an officer, agent or otherwise, for any society which shall have failed, neglected or refused to comply with, or shall have violated any of the provisions of this act, or shall have failed or neglected to procure from the Insurance Superintendent proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

APPROVED June 21, 1895.

## JUDGMENTS, DECREES AND EXECUTIONS.

## REDEMPTION—RATE OF INTEREST REDUCED.

§ 1. Amends the amended act of 1872, as follows:

§ 18. Redemption by defendant—Rate of interest reduced from 8% to 6%.

§ 20. Redemption by creditor—Rate of interest reduced from 8% to 6%.

§ 21. Sale under redemption—Only redemption money bid—Rate of interest reduced from 8% to 6%.

§ 27A. Taxes—Reimbursement upon redemption—Rate of interest reduced from 8% to 6%.

**AN ACT** to amend sections eighteen (18), twenty (20), twenty-one (21) and twenty-seven a (27a) of an act entitled "An act in regard to judgments and decrees and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, in force July 1, 1872, as amended by an act approved May 31, 1879, in force July 1, 1879, and by an act approved and in force June 4, 1889.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections eighteen (18), twenty (20), twenty-one (21) and twenty-seven a (27a) of an act entitled "An act in regard to judgments and decrees and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, in force July 1, 1872, as amended by an act approved May 31, 1879, in force July 1, 1879, and by an act approved and in force June 4, 1889, to be amended [so] as to read as follows:

§ 18. Any defendant, his heirs, administrators, assigns, or any person interested in the premises, through or under the defendant, may, within twelve months from said sale, redeem the real estate so sold by paying to the purchaser thereof, his executors, administrators or assigns, or to the sheriff or master in chancery, or other officer who sold the same, or his successor in office, for the benefit of such purchaser, his executors, administrators or assigns, the sum of money for which the premises were sold or bid off, with interest thereon at the rate of six per centum per annum from the time of such sale, whereupon such sale and certificate shall be null and void.

§ 20. If such redemption is not made, any decree or judgment creditor, his executors, administrators or assigns, may, after the expiration of twelve months and within fifteen months after the sale, redeem the premises in the following manner: Such creditor, his executors, administrators or assigns, may sue out an execution upon his judgment or decree, and place the same in the hands of the sheriff or other proper officer to execute the same, who shall indorse upon the back thereof a levy of the premises desired to be redeemed, and the person desiring to make such redemption shall pay to such officer the amount for which the premises to be redeemed were sold, with interest thereon at the rate of six per



centum per annum from the date of the sale, for the use of the purchaser of such premises, his executors, administrators or assigns, whereupon such officer shall make and file in the office of the recorder of the county in which the premises are situated a certificate of such redemption, and shall advertise and offer the premises for sale under said execution as in other cases of sale or execution.

§ 21. The creditor, his executors, administrators or assigns, having so redeemed, shall be considered as having bid at such sale the amount of the redemption money so paid by him, with interest thereon at the rate of six per centum per annum from the date of such redemption to the day of sale, with the cost of such redemption and sale, and if no greater amount is bid at such sale the premises shall be struck off to the person making such redemption, and the officer shall forthwith execute a deed of the premises to him, and no other redemption shall be allowed.

§ 27A. Whenever any real estate is sold under any judgment or decree of any court, the holder of the certificate of such sale shall have the right to pay all taxes and assessments which are or may become a lien on such real estate during the time of redemption running on such sale, and whenever redemption is made from such sale the party or parties entitled to redeem shall pay to the holder of such certificate of sale, or to the sheriff, master in chancery, or other officer who sold the same, or his successor in office, in addition to the amount due on such certificate, the amount paid by the holder thereof for such taxes and assessments, together with interest thereon at the rate of six per centum per annum, if before such redemption is made a receipt or receipts for such taxes or assessments shall be filed with the sheriff, master in chancery or other officer who made such sale, or exhibited by the holder of such certificate, in case redemption is made directly to the holder of such certificate.

APPROVED June 21, 1895.

## JUSTICES AND CONSTABLES.

### OF JUSTICES OF THE PEACE AND CONSTABLES.

#### ARTICLE I.

##### ELECTION AND TERM OF OFFICE.

§ 1. Justices and constables—Election, term of office, etc.

##### JUSTICES OF CHICAGO.

§ 2. Recommendation—Appointment.

§ 3. Commission—Term of office—Jurisdiction.

§ 4. Vacancy.

§ 5. Removal from office.

§ 6. When term limited.

§ 7. Vacancy—How filled.

##### OATH OF OFFICE.

§ 8. Oath.

##### TO GIVE BONDS—COMMISSIONS, ETC.

§ 9. Bonds of justices and constables.

§ 10. Failure to qualify.

§ 11. Certificate of qualification of justice.

§ 12. Certificate of election to constable.

- § 13. Record.
- § 14. Resignation.
- § 15. Record evidence.

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- § 2. Bond for cost.
- § 3. Liability of surety—Bond in other cases.

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- § 4. Form—Service.
- § 5. Indorsement.
- § 6. Service by copy.
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- § 8. Service on corporations.
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- § 1. Trial by consent.
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- § 4. Trial—Judgment.
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- § 6. New defendants.
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- § 8. Dismissal of defendants.
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- § 11. Form of scire facias.
- § 12. Trial on scire facias.
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- § 21. When justice unable to attend trial.
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- § 1. Form of subpoena.
- § 2. Four witnesses in each subpoena.
- § 3. Witness fees—How taxed.
- § 4. Denial of execution or indorsement.
- § 5. Joint plaintiffs—Evidence.
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- § 1. Continuances—Causes for.
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- § 1. Attachments.
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- § 3. Bond.
- § 4. Form of affidavit.
- § 5. Condition of bond.
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- § 7. Writ returnable.
- § 8. Service of writ—Return.
- § 9. Pursuit.

- § 10. Trial.
- § 11. Continuance—Notice.
- § 12. Continuance for notice.
- § 13. Trial after notice.
- § 14. Exceptions to bond.
- § 15. Garnishment.
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- § 12. Of the judgment.
- § 13. Effect of judgment.
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- § 15. Revival of garnishment against executor.
- § 16. Execution not to issue till debt due.
- § 17. Goods, etc., surrendered in execution.
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- § 19. When plaintiff may perform conditions.
- § 20. Sale—Application of proceeds.
- § 21. Equitable powers of court.
- § 22. When garnishee refuses to deliver property.
- § 23. Rights of garnishee.
- § 24. Costs—Fees to garnishee.
- § 25. Transcript filed in another county—Garnishment.
- § 26. Satisfaction of judgment—Entry by both justices.
- § 27. Wages exempt.
- § 28. Transferring claims—Exemption rights.
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- § 1. On appeal or certiorari.
- § 2. Twenty days—Swearing out execution.
- § 3. Against body or goods.
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- § 7. Lien of execution and judgment.
- § 8. Indorsement—Levy—Sale—Notice.
- § 9. Delivery bond—Proceedings thereon.
- § 10. Paying money.
- § 11. Execution to another county.
- § 12. Duty of constables.
- § 13. Arrest—Commitment—Notice.
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- § 16. Action on judgment.
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- § 2. What transcript shall contain.

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- § 1. Proceedings for.
- § 2. Trial of the right of property.
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- § 1. Justices to collect.

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§ 3. Payment—Dismissed.

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##### JUSTICES AND CONSTABLES GOING OUT OF OFFICE.

§ 1. Resignation—Removal—Death—Unfinished business.

§ 2. Term expiring—Unfinished business.

§ 3. Unfinished business.

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§ 1. Action in name of People.

§ 2. Judgment—Execution.

§ 3. Scire facias.

§ 4. Assessment of damages—Execution.

§ 5. Property of principal first taken—Lien.

§ 6. Liability of surety and principal.

§ 7. Copy of bond in evidence.

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§ 1. To keep record.

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§ 1. Jurisdiction.

§ 2. Arrest and trial.

§ 3. Special constable.

§ 4. Jury trial.

§ 5. Jury to determine penalty.

§ 6. Judgment on verdict rendered.

§ 7. Execution to issue.

§ 8. Capias issued.

§ 9. Appeal

§ 10. Duty of justice on appeal.

§ 11. Defendant guilty—Judgment rendered.

§ 12. No Imprisonment without conviction by jury, unless jury waived.

§ 13. Transcript to be filed—What to contain.

AN ACT to revise the law in relation to Justices of the Peace and Constables.

#### ARTICLE I.

##### ELECTION AND TERM OF OFFICE.

JUSTICES AND CONSTABLES.] SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on the first Tuesday in April, A. D. one thousand eight hundred and ninety-seven, and at each quadrennial election for town officers thereafter, there shall be elected in each town in counties under township organization, (except as to justices of the peace in the city of Chicago, in Cook county,) and on Tuesday, next after the first Monday in November, A. D. one thousand eight hundred and ninety-seven, and on the same day quadrennially thereafter, there shall be elected in each election precinct in counties not under township organization, two justices of the peace and two constables, and one justice of the peace and one constable for every one thousand inhabitants exceeding two thousand inhabitants of such town or precinct; *Provided*, no more than five justices of the peace and five constables shall be elected in any town or precinct, and that in towns containing any portion of the city of Chicago, there shall be elected one constable for each ten thousand inhabitants of such towns, and no more.



The term of office of justices of the peace and constables shall be four years and until their successors are elected and qualified. In counties under township organization, their terms shall commence on the first Monday in May, and in counties not under township organization, on the first Monday of December after their election. No justice of the peace shall hold the office of police magistrate.

#### JUSTICES OF CHICAGO.

RECOMMENDATION-APPOINTMENT.] § 2. It shall be the duty of the judges of the circuit, superior, probate and county courts of Cook county, a majority of the judges concurring therein, on or before the first day of June in the year of our Lord 1895, and every four years thereafter, to recommend to the Governor nine fit and competent persons to fill the office of justice of the peace in the town of West Chicago; also nine fit and competent persons to fill the office of justice of the peace in the town of South Chicago; also five fit and competent persons to fill the office of justice of the peace in the town of North Chicago; also five fit and competent persons to fill the office of justice of the peace in the town of Lake View; also five fit and competent persons to fill the office of justice of the peace in the town of Jefferson; also five fit and competent persons to fill the office of justice of the peace in the town of Lake; also seven fit and competent persons to fill the office of justice of the peace in the town of Hyde Park; also five fit and competent persons to fill the office of justice of the peace in that part of the town of Calumet that is annexed to the city of Chicago, all in the city of Chicago and county of Cook, and the persons thus recommended, the Governor shall nominate, and by and with the advice and consent of the senate (a majority of the senators elected concurring by yeas and nays) appoint justices of the peace in and for each of said towns respectively, and in case the Governor rejects any person recommended or the senate refuses to confirm any person nominated, the Governor shall give notice of such rejection or refusal to the said judges, who shall, within ten days after the receiving of such notice, recommend some other fit and competent person for such appointment. Such persons so recommended shall be electors in the town in and for which they are to be appointed such justices of the peace.

COMMISSION—TERM OF OFFICE—JURISDICTION, ETC.] § 3. Justices of the peace appointed under the preceding section shall be commissioned by the Governor, and hold their office four years and until their successors have been commissioned and qualified, and shall have the same qualifications for holding office, the same jurisdiction, power and authority, and be subject to the same liabilities, and shall execute bonds, and be sworn, and be governed by the same rules and regulations as justices of the peace elected.

VACANCY.] § 4. In case of vacancy during a recess of the Senate in the office of any justice of the peace in the city of Chicago, the Governor, upon the recommendation of such judges, shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person recommended by said judges to fill such vacancy, and any person so nominated and confirmed by the Senate shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified.

REMOVAL FROM OFFICE.] § 5. Upon complaint made by any person, under oath, against any justice of the peace appointed as aforesaid, for extortion or other malfeasance in office, such complaint setting forth particularly the facts in the case, and filed in the office of the clerk of the circuit or superior court of Cook county, the clerk of said court shall issue a summons, in the name of the people of the State of Illinois, against such justice of the peace, returnable according to law, and such justice of the peace may appear and answer such complaint under oath, and if found guilty of extortion or other malfeasance in office, upon trial of the issue by the court or a jury, such justice of the peace shall be removed from his office, and the office declared vacant by said court. It is hereby made the duty of said State's Attorney to prosecute all actions under this act.

WHEN TERM LIMITED.] § 6. In case of the adoption of township organization in a county, or the forming of a new county, the justices of the peace and constables authorized to be elected therein, shall be elected for the unexpired term between their election and the next quadrennial election.

VACANCY—HOW FILLED.] § 7. When a vacancy occurs in the office of a justice of the peace or constable, by death, resignation, removal from the town or precinct, or other cause, if the unexpired term exceeds one year, his office shall be filled by special election, and it shall be the duty of the town clerk in counties under township organization, and county clerks in counties not under township organization, in case of such vacancy, to issue his order to the judges of election of the proper town or precinct requiring them, on a certain day therein named, not less than twenty days from the issuing of such order, to hold an election to fill such vacancy, and at the same time the county or town clerk shall deliver to such judges three copies of a notice of such election, two of which notices shall be posted up in such town or precinct in two public places therein, and an election shall be held pursuant to such order, and conducted as other elections. If the unexpired term of his office does not exceed one year, the vacancy shall be filled by appointment by the county board.

#### OATH OF OFFICE.

OATH.] § 8. Every justice of the peace and constable, before entering upon the duties of his office, shall take, subscribe and file, in the office of the county clerk, the oath of office prescribed in the constitution.

## TO GIVE BONDS—COMMISSIONS, ETC.

BONDS OF JUSTICES AND CONSTABLES.] § 9. Every justice of the peace or constable, before entering upon the duties of his office, shall execute and deliver to the county clerk of the proper county, and within twenty days after his election, a bond, to be approved by said clerk, with two or more good and sufficient securities, in the sum of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000,) conditioned that he will justly and fairly account for and pay over all moneys that may come to his hands under any judgment or otherwise, by virtue of his said office, and that he will well and truly perform every act and duty enjoined upon him by the laws of this State, to the best of his skill and ability. Such bonds shall be made payable to the people of the State of Illinois, and shall be held for the security and benefit of all suitors and others who may be injured or aggrieved by the official acts or misconduct of such justice of the peace or constable, as the case may be.

FAILURE TO QUALIFY.] § 10. If any justice of the peace or constable shall not, within twenty days after his election or appointment, take the oath and give bond, as aforesaid, such justice or constable shall not be permitted after that time to qualify, but the office shall be considered as vacant, and filled accordingly.

CERTIFICATE OF QUALIFICATION OF JUSTICE—COMMISSION.] § 11. It shall be the duty of the county clerk, upon such bond being executed and filed, as aforesaid, by the justice of the peace, to make out a certificate of the execution and filing thereof, under the seal of his office, and transmit the same to the Governor, who shall thereupon issue a commission to said justice of the peace, and return the same to such clerk, who shall deliver the same to said justice, after having made the entry hereinafter required.

CERTIFICATE OF ELECTION TO CONSTABLE.] § 12. Certificates of election shall be granted to constables-elect by the county clerks, which shall be sufficient to authorize them to act.

RECORD.] § 13. The clerk shall keep a book, in which he shall enter the name of every justice of the peace and constable sworn into office, and the time of his being sworn into office, together with the date of his commission or certificate.

RESIGNATION.] § 14. Resignations of the offices of justice of the peace and constable shall be made to the county clerk, who shall immediately enter the date of every such resignation in the book provided for in section 13.

RECORD EVIDENCE.] § 15. Such book, or a certified copy of an entry in the same, by the county clerk, shall be received as evidence in all courts within this State.

## ARTICLE II.

## JURISDICTION.

CASES ENUMERATED.] SECTION 1. Justices of the peace shall have jurisdiction in their respective counties in the following cases, when the amount claimed does not exceed two hundred dollars:

First. In actions arising on contracts, whether under seal or not, express or implied, for the recovery of money only. When the action is upon a bond, the amount to be recovered thereon, and not the penalty of the bond shall determine the jurisdiction, and when the payments are to be made by installments, an action may be brought for any installment as it shall become due.

Second. In actions for damages for injury to real property, or for taking, detaining or injuring personal property.

Third. In actions for rent and distress for rent.

Fourth. In actions against railroad companies and any person or company controlling, operating or using any railroad, for killing or injuring horses, cattle, sheep, hogs, or other stock; for loss of or injury to baggage or freight, and for injury or damage to real or personal property, caused by setting fire to the same by their engines, or otherwise.

Fifth. In actions of replevin, when the value of the property claimed does not exceed two hundred dollars.

Sixth. In actions for damages for fraud in the sale, purchase or exchange of personal property, and in all cases where the action of debt or assumpsit will lie, if the damages claimed do not exceed two hundred dollars. This section shall apply to claims originally exceeding two hundred dollars, if the same shall at the time of rendition of the judgment, be reduced by credits or deductions to an amount not exceeding two hundred dollars.

Seventh. In all actions arising under the laws for the incorporation of cities, towns and villages, or any ordinance passed in pursuance thereof, where the amount claimed does not exceed two hundred dollars.

Eighth. In actions arising under the law in relation to dram-shops, where the damage claimed does not exceed two hundred dollars.

Ninth. In all actions for the recovery of statutory fines or penalties in which the amount claimed does not exceed two hundred dollars.

Tenth. In all actions by and against towns, cities, villages or other municipal corporations, which, if brought by an individual, might be brought before a justice of the peace.

Eleventh. To assess damages for sheep killed by dogs.

Twelfth. In proceedings against vagrants or vagabonds.



Thirteenth. In actions arising under the laws for the preservation of fish and game.

Fourteenth. In actions of forcible entry and detainer.

Fifteenth. In all criminal actions in which the punishment is by fine only, and does not exceed two hundred dollars, and such other jurisdiction as has been, or shall be, conferred by law.

Sixteenth. In garnishment by attachment or summons, the amount of the claim of the garnishor, and not the amount of the answer of the garnishee, shall determine the jurisdiction.

BOND FOR COST.] § 2. No person who is not a resident of this State shall commence any action before a justice of the peace until such non-resident shall file with the justice before whom such action may be brought a bond, with sufficient security, for the payment of all costs which may be awarded against the plaintiff, should he fail in his suit, which bond shall be in the following form, as near as may be, inserting the names of the parties, the county and state:

STATE OF ILLINOIS,	}	SS.
..... COUNTY.		
A..... B.....	}	Before ....., Justice of the Peace.
vs.		
C..... E.....		

I, E. F., do enter myself security for all costs that may accrue in the above cause. Dated this....day of.....

E..... F.....

If any such action shall be commenced without filing such bond for costs, the justice, on motion, shall dismiss the same, unless said bond for costs shall be filed within such time as shall be fixed by the justice, and when so filed it shall relate back to the commencement of the action. The right to require security for costs shall not be waived by any proceeding in such action.

LIABILITY OF SECURITY—BOND IN OTHER CASES.] § 3. Such bond shall be signed by the security, and if the plaintiff shall fail in his action, discontinue, or make default, and shall not, within twenty days thereafter pay to the justice all the costs that may be occasioned to the defendant, to the justice and constable, jurors or witnesses, or perfect an appeal, the justice shall issue his execution against the security for the amount thereof, accompanied with a bill of costs, in which he shall set down every particular charge. No bond for costs shall be required of any resident of this State, except in qui tam or other actions specially requiring bond by law.

## SUMMONS.

FORM—SERVICE.] § 4. Every action before a justice, except as otherwise provided, shall be commenced by summons, which shall be in the following form, as nearly as the case will admit, viz.:

STATE OF ILLINOIS, }  
 ..... COUNTY. } ss.

*The People of the State of Illinois, to any Constable of said County*—GREETING:

You are hereby commanded to summon A B to appear before me at.....on the....day of.....at....o'clock..m., to answer the complaint of C D for a failure to pay him a certain demand, not exceeding two hundred dollars, and hereof make due return, as the law directs. Given under my hand this....day of ....., 18..

JOHN DOE, J. P.

In which summons the justice shall specify a certain place, day and hour, which shall be between the hours of 8 o'clock a. m. and 4 o'clock p. m., for the trial, not less than five nor more than fifteen days from the date of such summons, at which time and place the defendant is to appear. Every summons shall be served at least three days before the time of trial mentioned therein, by reading the same to the defendant.

INDORSEMENT.] § 5. The justice shall indorse on the back of every summons the sum demanded by the plaintiff, with the costs due thereon, and the defendant may pay the same to the constable in whose hands such process may be, who shall give a receipt therefor, which shall exonerate the defendant from the debt and all further costs.

SERVICE BY COPY.] § 6. When any defendant shall evade the service of process, or not listen to the same, or secrete himself, then the officer shall serve the same by leaving a copy at his place of residence with some person of the age of ten years or upwards, and in all such cases, the constable shall make a special return when and how served, and the circumstances attending the same, and if the justice shall be satisfied that the defendant evaded the service by reading, and that the party is sufficiently notified and summoned, he shall proceed to hear and determine the case.

SERVICE BY COPY WHEN DEFENDANT NOT FOUND.] § 7. When a defendant cannot be found, alias summonses may be issued in the same case, and the first and each successive summons may be served by leaving a copy thereof at the place of residence of the defendant, with some member of his family of the age of ten years or upwards, until personal service is had on such defendant, or he shall appear upon a return day, when the cause may proceed as in other cases.

SERVICE ON CORPORATIONS.] § 8. An incorporated company may be served by leaving a copy of the summons with its president, secretary, superintendent, general agent, cashier or principal clerk, if either can be found in the county in which the action is brought; if neither shall be found in the county, then by leaving a copy of the summons with any director, clerk, engineer, conductor, station agent, or any agent of such company found in the county.

SERVICE OF PROCESS ON TRUSTEE OF RAILROAD.] § 9. A trustee or trustees operating, managing or controlling a railway may be served with process by leaving a copy of such process with such trustee or trustees, if he or they can be found in the county in which the action is brought; if he or they shall not be found in the county, then by leaving a copy of such process with any clerk, secretary, superintendent, general agent, engineer, conductor, station agent, or any agent in the employ of such trustee or trustees who may be found in the county in which such action is brought.

MUNICIPAL CORPORATIONS.] § 10. In actions against municipal corporations, process may be served upon such corporation by delivering a copy thereof to the mayor, president, chairman, clerk, or secretary of such corporation.

### ARTICLE III.

#### BAIL AND PROCEEDINGS THEREIN.

AFFIDAVIT—CAPIAS—FORM.] SECTION 1. When any person shall be about to commence suit upon any contract, whether under seal or not, expressed or implied, if the plaintiff, or some person on his behalf, shall make, subscribe and file with the justice an affidavit setting forth the cause of action, and the amount due the plaintiff, and facts showing a strong presumption of fraud in contracting or evading the payment of the debt respecting which the action is about to be brought; or that the defendant has refused to deliver his estate for the benefit of his creditors in the manner prescribed by law; or if the action is for a tort, setting forth the principal facts, showing the cause of action and the amount the plaintiff expects to be able to recover, and that the benefit of whatever judgment may be obtained will be in danger of being lost unless the defendant is held to bail, and setting forth the reasons of such danger, it shall be the duty of the justice, if he shall be satisfied from the facts stated in such affidavit that the defendant was guilty of fraud in contracting or evading the payment of the debt respecting which the action is about to be brought, or refused to deliver his estate for the benefit of his creditors in the manner prescribed by law, or has committed such tort, and that whatever judgment may be obtained will be in danger of being lost unless the defendant be held to bail, to issue a *capias* for the arrest of such defendant, which may be in the following form:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.

*The People of the State of Illinois to any Constable of said county*—GREETING:

You are hereby commanded to take the body of..... and bring him forthwith before me, unless special bail be entered, and if such bail be entered, you will then command him to appear before me at.....on the.....day of.....at.....o'clock....M. to answer the complaint of A B for failure to pay him a certain demand, not exceeding two hundred dollars (\$200) and hereof make due return as the law directs.

Given under my hand this.....day of.....A. D. 18..

JOHN DOE, J. P.

BOND OF PLAINTIFF.] § 2. Before issuing a capias the justice shall take from the plaintiff, or his agent, a bond, with approved security, and file the same with the papers in the case, in substance as follows:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.  
 A..... B..... }  
 vs. } Before.....Justice of the Peace.  
 C..... D..... }

We hereby bind ourselves to pay all damages and costs, if any, which may be occasioned by the wrongful issuing of a capias in this case.

Dated this....day of.....A. D.....

..... (Seal.)

..... (Seal.)

SPECIAL BAIL.] § 3. The defendant shall have a right to release his body, arrested by virtue of such process, by giving special bail to the constable executing the same, which shall be indorsed, with the amount claimed, on the back of the capias, in the following form, as nearly as the case will admit, viz.:

I, G F, acknowledge myself special bail for the within named C. D.

Witness my hand, this....day of.....18..

G..... F.....

Which indorsement shall be signed by one or more securities, to be approved by the constable taking the same, and shall have



the force and effect of a recognizance of bail, the condition of which is, that the defendant, if judgment shall be given against him, will pay the same with costs, or surrender his body in execution, and in default of such payment or surrender, the goods and chattels of the bail shall be liable for the payment of the judgment and costs. If the body of the defendant shall be rendered in execution by himself or his bail within the life of such execution, or if a sufficiency of the defendant's property shall be found to satisfy the judgment and costs, the bail shall be exonerated.

TRAVERSING AFFIDAVIT.] § 4. The defendant, in case he shall be in custody or have given bail, may traverse the allegations of the affidavit, and if upon trial the issues are found in his favor, he shall be discharged and the bail released, and the *capias* shall have only the effect of a summons.

SURRENDER.] § 5. The bail may, at any time while the plaintiff shall be entitled to execution against the body of the defendant, give notice in writing to the plaintiff, or his agent or attorney, that he desires to surrender the defendant in execution, and if the plaintiff shall neglect to sue out execution within ten days after the service of such notice, or shall fail to charge the defendant in execution when he may, the bail shall be discharged.

PROCEEDINGS AGAINST BAIL.] § 6. In all cases in which the defendant shall give special bail under the provisions of this article, and shall not be surrendered on or before the return day of the execution against his body, and sufficient property is not found to pay the judgment and costs, within the same time, it shall be the duty of the justice of the peace, upon the application of the plaintiff or his agent, to issue a summons against the special bail substantially in the following form, to-wit:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.

*The People of the State of Illinois to any Constable of said county*—GREETING:

You are hereby commanded to summon....to appear before me at....on the....day of....at....o'clock...m., to show cause, if any he have, why judgment should not be rendered against him, in favor of....for the use of....upon a *capias* issued by me against him, in favor of....for sum of....dollars and....cents, the amount of the judgment rendered against the said....in favor of the said...., and hereof make due return.

Given under my hand, this....day of...., 18..

JOHN DOE, J. P.

.In which summons, the justice shall specify a certain day, place and hour for the trial not less than five nor more than fifteen days from the date thereof, at which time and place the defendant is to appear, which process shall be served and return made as in other cases.

DEFAULT.] § 7. If the defendant does not appear, the justice shall hear the case, enter judgment, and issue execution as in other cases.

TRIAL—DEFENSES.] § 8. If the defendant shall appear at the time and place appointed for trial, he shall be permitted to show cause for his failure to comply with the conditions of his undertaking, or to show that he has complied with the same, and if it shall appear that the defendant was prevented from surrendering the body of the original defendant by the act of the plaintiff, or that the said original defendant had departed this life previous to the time required for making such surrender, or that he could not be surrendered by reason of his being imprisoned for a crime, or that his health was such as to endanger his life by such surrender, or that he had delivered the body in execution according to the condition of the recognizance, or had been released from such debt under any insolvent law of this State or any bankrupt law of the United States, or the plaintiff has neglected to sue out execution against the original defendant within ten days after being notified by the bail of his desire to surrender such defendant, or has neglected to charge him in execution when he might have done so, then the bail shall be released and discharged from all liability.

#### ARTICLE IV.

##### CHANGE OF VENUE.

VENUE—HOW CHANGED.] SECTION 1. Previous to the commencement of any trial before a justice of the peace, either party, or his agent or attorney, may make oath that it is the belief of such deponent that the plaintiff or defendant, as the case may be, cannot have an impartial trial before such justice, whereupon, it shall be the duty of the justice immediately to transmit all the papers and documents belonging to the action to the nearest justice of the peace in the same county, who is not of kin to either party, sick, absent from the town, or interested in the event of the action, as counsel or otherwise, who shall proceed as if the action had been instituted before him. The distance, as contemplated in this section, shall mean to be by the nearest traveled route.

COSTS.] § 2. The costs of a change of venue shall abide the result of the action, and shall not be demanded in advance.

#### ARTICLE V.

##### TRIAL AND JUDGMENTS.

TRIAL BY CONSENT.] SECTION 1. If both parties agree to have a difference decided by a justice of the peace, without process, he shall enter the same on his docket, noting particularly such consent, and proceed as in other cases.

DEFAULT OF PLAINTIFF.] § 2. If the plaintiff or his agent shall not appear at the time appointed for the trial, and no sufficient reason shall be assigned to the justice why such plaintiff or his agent does not appear, the justice shall dismiss the action, and the plaintiff shall pay the costs, unless the defendant shall consent that such action be continued to another day, but this section shall not require the dismissal of an action on a note or instrument of writing for the payment of money only, placed in the hands of a justice for collection.

DEFAULT OF DEFENDANT—AFFIDAVIT OF CLAIM.] § 3. If the defendant shall not appear at the time of trial, after giving bail, or after being served with summons, and no sufficient reason be assigned to the justice why he does not appear, the justice shall proceed to hear and determine the cause, but shall not give judgment in favor of the plaintiff unless the plaintiff shall fully prove his demand in the same manner as if the defendant were present and denied the same. If the plaintiff in any action upon a contract, expressed or implied, for the payment of money shall file with the justice, at the time of commencing such action, an affidavit showing the nature of his demand and the amount due him from the defendant, after allowing to the defendant all his just deductions, credits and set-offs, if any, he shall be entitled to judgment, in case of default, but the justice may require further evidence. In cases of appeal from the judgment of the justice of the peace, as aforesaid, such affidavit shall have the same force and effect in the appellate court as if such action had been commenced in such appellate court.

TRIAL—JUDGMENT.] § 4. When the parties shall appear and be ready for trial, the justice shall proceed to hear their respective allegations and proofs, and, if the action be upon a contract, expressed or implied, shall thereupon give judgment against the party who shall be proved to be indebted to the other for so much money, in dollars and cents, as shall appear to be due, including such interest as is allowed by law, and costs of suit, or for the amount of damages proved, but if neither party shall appear to be indebted, or no damages are proved, the judgment shall be against the plaintiff for the costs of the suit. If the action is for a tort, the judgment shall be for the plaintiff, for the damages proved and costs of suits, or if no damages are proved, the judgment shall be against the plaintiff for costs.

JUDGMENT AGAINST PART AND IN FAVOR OF OTHERS.] § 5. If an action be brought against two or more defendants, and it shall appear upon the trial that one or more of the defendants is not jointly liable with the others upon the contract or cause of action sued upon, judgment shall be given against such as appear to be liable, and in favor of the others.

NEW DEFENDANTS.] § 6. If it shall appear, at any time before final judgment, that any other person is jointly liable with the defendant, in any action before a justice, such person may be added

as a party to the suit upon the plaintiff paying all costs that shall be occasioned thereby, and the cause may be continued for service upon such added defendant. The summons shall describe such added defendant as impleaded with the original defendant. In other respects it shall be in like form, and be served and returned as an original summons.

AMENDMENTS.] § 7. The justice may, at the request of either party, at any time before final judgment, amend the summons and other papers in the case, so as to make the same conform to the true names of the plaintiff and defendant, but this section shall not be construed to allow any proceeding against a person not served with process and not appearing.

DISMISSAL OF DEFENDANTS.] § 8. The plaintiff may, at any time before final judgment, at his own costs, dismiss as to any one or more defendants.

JOINT JUDGMENT—SEPARATE CLAIMS.] § 9. The justice shall give one entire judgment for the whole amount proved to be due against so many of the defendants, jointly, as shall be proved to be jointly indebted to the plaintiff. But if it shall appear to the justice that any two or more of the defendants are severally indebted to the plaintiff, upon separate and different causes of action, such plaintiff shall not be allowed to bring in such separate claims, nor shall he be barred, by the determination of his suit against such joint defendants, from prosecuting his action against the respective defendants for the recovery of such separate demands.

SCIRE FACIAS TO MAKE PARTIES TO JUDGMENT.] § 10. If any summons or capias is served on any one or more, but not on all the defendants, the plaintiff shall be at liberty to proceed to trial and judgment in the same manner as if all the defendants were in court, and judgment may be entered and execution issued against the defendant served with process. And the justice of the peace shall, on the application of the plaintiff, issue another summons, in the nature of a scire facias, against the defendant or defendants not served with original process, as aforesaid, to cause him or them to appear before said justice of the peace, at some stated time, not less than five nor more than fifteen days from the date of such scire facias, to show cause why he or they should not be made parties to said judgment. And the justice of the peace shall, on return showing service of such scire facias, at least three days previous to the time fixed for hearing the same, proceed to hear and determine the matter in the same manner as if such defendant or defendants had been originally served with process, and may grant continuance as in other cases.

FORM OF SCIRE FACIAS.] § 11. The scire facias shall be substantially in the following form:



STATE OF ILLINOIS, }  
 .....COUNTY, } ss.

*The people of the State of Illinois, to any constable of said county*—GREETING:

WHEREAS, A B did, on the .....day of..... 18.... recover a judgment before the undersigned, one of the justices of the peace of, in and for the county aforesaid, against C D, impleaded with E F, for the sum of ..... as well as the costs of suit: You are, therefore, hereby commanded to summon the said E F to be and appear before the undersigned, at his office in..... in said county on the..... day of..... 18.... at.... o'clock....m., to show cause, if any he have, why he shall not be made a party to said judgment, and make due return hereof, as the law directs.

Given under my hand this..... day of..... 18....

..... J. P.

[TRIAL ON SCIRE FACIAS.] § 12. On the hearing of such scire facias the plaintiff shall be held to prove his cause of action against such added defendant or defendants, as if no judgment had been entered, and such defendant or defendants shall be allowed the benefit of any payment which may have been made on the judgment before recovered, and the judgment of the court, if against the defendant or defendants, shall be that the plaintiff recover of such defendant or defendants, together with the defendant in the former judgment, the amount of his debt or damages, as the case may be, and on such judgment, execution may issue against all the defendants as in other cases. The judgment shall not be for a greater amount than the original judgment, and interest thereon from the time of rendering the same.

JURY.] § 13. In all cases of trial before a justice of the peace, either party may have the cause tried by a jury if he shall so demand before the trial is entered upon, and will first pay the fees of the jurors. The number of jurors shall be six, or any greater number not exceeding twelve, as either party may desire.

FORM OF JURY SUMMONS.] § 14. The writ for summoning jurors may be in the following form:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.

*The People of the State of Illinois, to any Constable of said county*—GREETING:

We command you to summon....lawful men of your county to appear before me, at....on the....day of.....18....at.... o'clock....m., who are not kin to....., plaintiff, or to....., defendant, to make a jury between said parties, in a certain cause pending before me, and have you then and there the names of the jury and this writ.

Witness my hand this....day of....., 18....

JOHN DOE. J. P.

IMPANELING JURY—INSTRUCTIONS.] § 15. The jurors may be sworn and examined as to their qualifications, which shall be the same as required of jurors in courts of record, except as otherwise provided in this article, and when accepted by the parties, shall be sworn to try the cause, but they shall not be instructed as to the law by the justice, except as to the form of the verdict. Judgments shall be entered by the justice in accordance with the verdict.

COMPETENCY OF JURORS—CHALLENGES.] § 16. If any juror, summoned as aforesaid, shall be interested in the event of the action, or of kin to either party, or shall have formed or expressed his settled opinion on the matter about to be tried, or has served on a jury in any trial before a justice of the peace, at any time within three months, or shall, for any other cause, be a partial or improper juror, in that case the justice shall discharge such juror, at the instance of either party, and when, by such discharge, or the failure of any juror to attend, the jury shall not be complete, the justice shall direct the constable to summon as many persons from among the bystanders or other persons as shall be required to fill such jury, which summons shall be verbal. Each party shall have the right to three peremptory challenges of such jurors.

CLAIM ACQUIRED AFTER ACTION BROUGHT.] § 17. No party shall be permitted to introduce at the trial, any note, bond, debt or other claim against his adversary which he shall have acquired after the commencement of the action.

CONSOLIDATION OF CLAIMS.] § 18. In all actions which shall be commenced before a justice of the peace, each party shall bring forward all his demands against the other existing at the time of the commencement of the action, which are of such a nature as to be consolidated, and which do not exceed two hundred dollars when consolidated into one action or defense, and on refusing or neglecting to do so shall forever be debarred from suing therefor.

DEMAND OR SET OFF EXHIBITED.] § 19. The justice shall, at the request of either party made before the trial shall have been entered upon, require the other to exhibit his account or state the nature of his demand or set-off in writing, and upon the trial may preclude the party failing to do so from giving evidence of the same or such part thereof as shall not have been exhibited or stated.

TENDER.] § 20. If the defendant in any action before a justice will tender to the constable or deposit with the justice the amount actually due the plaintiff, with all costs that shall have accrued at the time, or will pay or tender the same to the plaintiff or his agent or attorney, and in case the same is not accepted, deposit the money with the justice, at or before the time of trial, all costs that shall accrue thereafter shall be adjudged against the plaintiff.

WHEN JUSTICE UNABLE TO ATTEND TRIAL.] § 21. When a justice of the peace before whom an action is pending, is unable, on account of sickness or other cause, to attend at the time

and place fixed for the trial, any other justice of the peace in the town or precinct may, at his request, attend at the time and place fixed for the trial, and continue the cause to some other day, or, if the parties shall agree, may hear the cause instead and in behalf of the justice calling him, and the judgment so entered shall have the same force and effect as if rendered by the justice before whom the action is pending.

ATTORNEYS' FEES IN JUDGMENTS FOR WAGES.] § 22. In actions by any mechanic, artisan, miner, laborer, servant or employé for wages earned and due, in which the court or jury shall find that the amount for which the action is brought is justly due, and that a demand has been made in writing at least three days before the action was commenced, for a sum not exceeding the amount so found due, it shall be the duty of the justice to allow to the plaintiff a reasonable attorney's fee, not less than five dollars, in addition to the amount found due for wages, to be taxed as costs of suit.

JUDGMENT FOR WAGES OF LABORERS OR SERVANTS.] § 23. In case the justice shall find, and express in any judgment rendered by him, that such judgment is rendered for the wages of any laborer or servant, he shall endorse such finding upon the execution when issued.

## ARTICLE VI.

### EVIDENCE AND DEPOSITIONS.

FORM OF SUBPÆNA.] SECTION 1. When either party shall require the attendance of a witness in any action pending before a justice, it shall be the duty of the justice to issue a subpoena in the following form, as nearly as the case will admit, viz.:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.

*The People of the State of Illinois to A.... B....:*

You are hereby commanded to appear before me, at.....on the....day of.....at....o'clock..M., then and there to testify the truth in a matter in suit, wherein C D is plaintiff and E F is defendant, and this you are not to omit, under the penalty of the law.

Given under my hand, this....day of.....18....

JOHN DOE, J. P.

Which subpoena may be served by a constable or any other person by reading the same to the witness, but no mileage or fees shall be allowed to any person other than a constable serving the same.

FOUR WITNESSES IN EACH SUBPÆNA.] § 2. In all cases where a justice of the peace is required to issue a subpoena at the in-

stance of either party to an action, it shall be his duty to insert the names of four witnesses in each subpoena, if the party demanding the same shall require the attendance of that number, and in no case shall a justice of the peace be permitted to charge and receive pay for any subpoena commanding the citation of a less number, where as many as four shall be required by the same party at the same time, to be used in the same action.

WITNESS FEES—HOW TAXED.] § 3. Each witness so summoned shall be entitled to fifty cents per day for attending each trial, to be taxed with the other costs of suit, and paid when the judgment and costs are collected, but if more than two witnesses shall be sworn in any case to testify to one fact on the same side, the party requiring such extra witness shall be at the whole expense of procuring the same, but no such fee shall be taxed by the justice unless claimed by the witness attending.

DENIAL OF EXECUTION OR INDORSEMENT.] § 4. No party to any action before a justice shall be permitted to deny the execution or any indorsement of any written instrument upon which the action shall be founded, or which shall be offered as a set-off or acquittance for the debt demanded in such action, unless the said denial be by affidavit of the party so denying the execution or indorsement thereof.

JOINT PLAINTIFFS—EVIDENCE.] § 5. In trials of actions upon contracts, express or implied, where the action is brought by joint plaintiffs or partners, or by joint payees or obligees, it shall not be necessary for the plaintiff, in order to maintain any such action, to prove the right of plaintiffs to sue, or the co-partnership of the individual named in such action, or to prove the christian or surnames of such plaintiffs, partners, or joint payees or obligees; but the names of such plaintiffs, co-partners, joint payees or obligees shall be presumed to be truly set forth in the writ. Nothing herein contained shall prevent the defendant or defendants in any such action from proving on the trial, either that more persons ought to have been plaintiffs or that more persons have been made plaintiffs than have a legal right to sue, or that the christian or surname is other and different from the one stated in the writ.

JOINT DEFENDANTS—EVIDENCE.] § 6. In actions upon contracts, express or implied, against two or more defendants, as joint defendants or partners, or joint obligors or payors, whether so alleged or not, proof of the joint liability or partnership of the defendants, or their christian or surnames, shall not, in the first instance, be required, to entitle the plaintiff or plaintiffs to judgment, unless the defendant or defendants, or any of them, shall deny the partnership or joint liability or the execution of the instrument sued upon by affidavit.

DENIAL OF CORPORATE EXISTENCE OR NAME.] § 7. In actions by or against corporations, it shall not be necessary to prove the existence of such corporation, or that it sues or is sued by its corporate name, unless previous to the commencement of the trial,



the corporate existence of such plaintiff or defendant, or that its name is correctly stated is denied in writing, signed by the party making such denial or by his agent or attorney.

HOW DEPOSITIONS TAKEN.] § 8. Depositions in actions before justices of the peace shall be taken upon like notice and in like manner, as near as may be, as depositions may be taken to be used in courts of record.

## ARTICLE VII.

### CONTINUANCES

CONTINUANCES—CAUSES FOR.] SECTION 1. The justice, before the commencement of the trial, may continue a cause not exceeding ten days at any one time, upon consent of the parties, or for any good cause shown, and either party shall be entitled to such continuance if it shall appear upon his oath, or that of a credible witness, that he cannot safely go to trial on account of the absence of material testimony. No continuance shall be granted on the application of either party, unless it shall appear that he has used due diligence to be ready for trial, nor for the want of evidence if the other party will admit the facts proposed to be proved, or if the evidence desired is the testimony of a witness, that the witness, if present, would testify as alleged by the party applying for the continuance, and the party making such admission may controvert the facts proposed to be proved by such absent witness.

CONTINUANCES FOR DEPOSITIONS.] § 2. Either party may have the cause continued a reasonable time, not exceeding one month at any one time, for the purpose of taking the deposition of a witness in like cases as depositions may be taken in courts of record.

## ARTICLE VIII.

### ATTACHMENTS BEFORE JUSTICES.

ATTACHMENTS.] SECTION 1. Writs of attachment may be issued against the personal estate, goods, chattels, money, choses in action, credits and effects of debtors in all civil actions in which justices of the peace have jurisdiction, in any one of the following cases:

First. Where the debtor is not a resident of this State.

Second. Where the debtor conceals himself or stands in defiance of an officer, so that process cannot be served upon him.

Third. Where the debtor has departed from this State with the intention of having his effects removed from this State.

Fourth. Where the debtor is about to depart from this State with the intention of having his effects removed from this State.

Fifth. Where the debtor is about to remove his property from this State to the injury of such creditor.

Seventh. Where a debtor has, within two years prior to the filing of such affidavit, fraudulently concealed or disposed of his property, so as to hinder or delay his creditors.

Eighth. Where the debtor is about fraudulently to conceal, assign or otherwise dispose of his property or effects, so as to hinder or delay his creditors.

Ninth. Where the debt sued for was fraudulently contracted on the part of the debtor: *Provided*, that the statements of the debtor, his agent or attorney, which constitute the fraud, shall have been reduced to writing, and his signature attached thereto, by himself, agent or attorney.

AFFIDAVIT.] § 2. To entitle a creditor to such writ of attachment, he or his agent or attorney shall make and file with the justice, an affidavit setting forth the nature and amount of the indebtedness, after allowing all just credits and set-offs, and any one or more of the causes mentioned in the preceding section, and also stating the place of residence of the defendants, if known, and if not known, that upon diligent inquiry the affiant has not been able to ascertain the same.

BOND.] § 3. The plaintiff, his agent or attorney, shall file with the justice a good and sufficient bond, payable to the defendant, with surety to be approved by the justice, in a penalty not less than double the amount of the plaintiff's claim, conditioned, substantially, as hereinafter provided.

FORM OF AFFIDAVIT.] § 4. Affidavits for attachment before justices of the peace may be substantially in the following form:

STATE OF ILLINOIS, }  
COUNTY OF..... } SS.

A B, being duly sworn, says: That (here state if affiant is agent or attorney of the creditor, and if the suit is by firm, the name of the partners) has a just demand against (name of debtor), on account of (here make short statement of the nature of the demand), and the affiant believes (the name of the creditor) is entitled to recover of said (name of debtor), after allowing all just credits and set-offs....dollars and ....cents, which is now due, and that he has good reason to believe and does believe that (name of debtor) (here state some one or more of the causes which authorize an attachment) the said (name of debtor) (here state the residence of the debtor if known, or if not, that the affiant has made diligent inquiry and cannot ascertain his place of residence.)

CONDITION OF BOND.] § 5. The condition of the bond shall be substantially as follows:

The condition of the above obligation is such that, whereas, the above bounden ....hath, on the day of the date hereof, prayed an attachment at the suit of.....against the personal estate of the above named.....for the sum of.....and the same being about to be sued out, returnable on the....day of.....before (said justice). Now, if the said.....shall prosecute his suit with effect or in case of failure therein shall well and truly pay and satisfy the said.....all such costs in such suit, and such damages as the said.....may sustain, by reason of wrongfully suing out the said attachment, then the above obligation to be void; otherwise to remain in full force and effect.

Witness our hands and seals, this....day of.....18....

FORM OF WRIT.] § 6. The writ of attachment shall be substantially in the following form:

STATE OF ILLINOIS, }  
 .....COUNTY. } ss.

*The People of the State of Illinois, to any constable of said county*—GREETING:

WHEREAS, A B, (or agent or attorney of A B, as the case may be,) hath complained that E F is justly indebted to the said A B in the amount of.....dollars; and that the said E F (here state the cause as in the affidavit) and the said A B having given bond and security according to law; we therefore command you that you attach so much of the personal estate of the said E F to be found in your county as shall be of value sufficient to satisfy the said debt and costs, and such personal estate so attached, in your hands to secure, or so to provide that the same may be liable to further proceedings thereon, according to law, before the undersigned justice of the peace. And that you summon the said E F to appear before me, at my office, on the.....day of.....next, and that you also summon as garnishees, all persons whom the plaintiff or his agent shall direct to appear before me at the same time and place, then and there to answer what may be objected against him or them, when and where you shall make known how you have executed this writ, and have you then and there this writ.

Given under my hand and seal, this....day of.....18....

[SEAL.]

C D, Justice of the Peace.

WRIT RETURNABLE.] § 7. The writ of attachment shall be made returnable not less than five nor more than thirty days from the date thereof.

SERVICE OF WRIT—RETURN.] § 8. The constable to whom any attachment may be delivered shall, without delay, execute the same by levying on the personal estate, goods, chattels, moneys, choses

in action, credits and effects of the defendant, of value sufficient to satisfy the debt or damages claimed to be due, and all costs attending the collection of the same. He shall also read the same to the defendant, if he can be found in the county, and also to such persons as the plaintiff or his agent shall direct to be summoned as garnishees, and make return thereof, stating how he has executed the same.

PURSUIT.] § 9. If the defendant, or any other person for him shall be in the act of removing such personal property, the officer may pursue and take the same in any county in this State, and convey the same to the county from which the attachment issued.

TRIAL.] § 10. Upon the return of any attachment issued by a justice of the peace, if it shall appear that the defendant has been personally served with the same, or if such defendant shall appear without such service, the justice shall proceed to hear and determine the cause, as in cases of proceeding by summons.

CONTINUANCE-NOTICE.] § 11. But if it does not appear that the defendant has been served, and no appearance be entered by the defendant, the justice shall continue the case not less than fifteen days, and shall immediately prepare a notice, to be posted up at three public places, in neighborhood of the justice, directed to the defendant, and stating the fact that an attachment had been issued and at whose instance, the amount claimed to be due, and the time and place of trial, and also stating that unless the said defendant shall appear at the time and place fixed for trial, judgment will be entered by default, and the property attached ordered to be sold to satisfy the same—which notice shall be delivered to the constable, who shall post three copies of the same at three public places in the neighborhood of the justice, at least ten days before the day set for the trial, and if the place of residence of the defendant is stated in the affidavit for the attachment, shall, at the same time, mail one copy of the notice addressed to such defendant at such place of residence, and on or before that day he shall return the notices delivered to him by the justice with an indorsement thereon, stating the time when and the places where he posted and mailed copies as herein required.

CONTINUANCE FOR NOTICE.] § 12. If notice shall not be given according to law, or for any other cause, the justice may continue the case from time to time till proper notice shall have been given or the case is ready for trial.

TRIAL AFTER NOTICE.] § 13. When notice shall be given of any proceeding by attachment, as required by this article, the justice shall, on the day set for trial of the cause, proceed to hear and determine the same, as though process had been personally served upon the defendant, and if the judgment be given against the defendant, shall order a sale of the property attached, or so much thereof as will satisfy the judgment and all costs of suit.

EXCEPTIONS TO BOND.] § 14. Exceptions to the bond taken by the justice shall be taken at or before the first hearing of the case



after the same shall have been returned to the justice, but the hearing of such exceptions may be adjourned for the purpose of giving notice to the constable, or for other good cause.

GARNISHMENT.] § 15. When an attachment shall be returned served upon any person as garnishee, the justice shall make an entry upon the record of his proceedings in the cause, stating the name of each person summoned, and continue the case as to such garnishee, and shall proceed with the cause as against the defendant in the attachment as though the attachment had been levied on personal property.

PROCEEDINGS AGAINST GARNISHEE.] § 16. The further proceedings against garnishees shall be had in pursuance of the law on garnishment.

## ARTICLE IX.

### GARNISHMENT.

GARNISHMENT ON JUDGMENT.] SECTION 1. Whenever an execution, issued on a judgment rendered by a justice of the peace shall be returned by the proper officer "no property found," on the affidavit of the plaintiff or other credible person filed with the justice of the peace that the defendant in the execution has no property within the knowledge of such affiant, in his possession, liable to execution, and that such affiant has just reason to believe that any other person is indebted to such defendant, or has any effects or personal estate of such defendant in his possession, custody or charge, such justice of the peace shall issue a summons against the person supposed to be indebted to or supposed to have any effects or personal estate of such defendant, commanding him to appear before some justice as garnishee, and such justice of the peace shall examine and proceed against such garnishee in the same manner as is required by law against garnishees in original attachments.

SERVICE AND RETURN OF WRIT.] § 2. Such garnishee summons shall be made returnable within the same time, and served in the same manner as other summons issued by justices of the peace. The person for whose use such garnishee summons is issued shall advance, through the constable or officer serving the same, to the person summoned as garnishee, one dollar for each person so summoned, and five cents per mile for each mile of necessary travel to and from the office of such justice of the peace, and the constable or other officer making such service shall show by his return the fact of the payment of such fee and mileage, and such fee and mileage shall be taxed as costs in the case. Where the person or persons so summoned shall refuse or fail to appear at the time and place specified in such summons, the justice shall render a judgment against the person or persons so summoned for the amount of fees and mileage which have been tendered and received under the provisions of this section.

ORAL EXAMINATION.] § 3. It shall not be necessary to exhibit or file interrogatories in writing, but the garnishee may be examined orally touching the personal estate, goods, chattels, moneys, choses in action, credits and effects of the defendant in execution, and the amount and value thereof in his possession, custody or charge, or from him due and owing to such defendant at the time of the service of such summons, or of any writ of attachment.

ISSUE—HOW MADE AND TRIED.] § 4. When the plaintiff in any garnishee proceeding shall allege that any garnishee served with process, or appearing before a justice of the peace, has not truly discovered the personal effects of the defendant, and the value thereof, in his possession, custody or charge, or from him due and owing to the defendant, at or after the time of the service of the writ, or which shall or may thereafter become due, the justice of the peace shall immediately (unless the case be for good cause continued) proceed to try such cause, as against such garnishee, without the formality of pleading. The trial shall be conducted as other trials before justices of the peace, and if the finding or verdict shall be against the garnishee, judgment shall be given against him in the same manner as if the facts had been admitted by him, with all costs of such trial. If the finding shall be in favor of the garnishee, he shall recover his costs against the plaintiff. And in case the garnishee admits indebtedness to the judgment debtor, he shall not be liable for costs.

CONDITIONAL AND FINAL JUDGMENT.] § 5. When any person shall have been summoned as a garnishee upon any attachment or other writ issued by any justice of the peace, and shall fail to appear or make discovery, as by this act required, the justice of the peace may enter a conditional judgment against such garnishee for the amount of the plaintiff's demand, or judgment against the original defendant, and thereupon a scire facias shall issue against such garnishee, returnable within the same time as other summonses from justices of the peace, commanding such garnishee to show cause why such judgment should not be made final. If such garnishee, being served with process or notified as required by law, shall fail to appear and make discovery in the manner aforesaid, the justice of the peace shall confirm such judgment, to the amount of the judgment against the original defendant, and award execution for the same and costs. If such garnishee shall appear and answer, the same proceedings may be had as in other cases.

NOTICE WHEN SCI. FA. NOT SERVED.] § 6. If any garnishee shall become a non-resident, or shall have gone out of this State, or is concealed within this State so that the scire facias cannot be served upon him, upon the plaintiff or his agent filing affidavit, as in cases of non-resident defendants in attachment, such garnishee may be notified in the same manner as such non-resident defendants, and upon such notice being given he may be proceeded against in the same manner as if he had been personally served with such scire facias.

WHEN JUDGMENT AGAINST ORIGINAL DEFENDANT NECESSARY.] § 7. No final judgment shall be entered against a garnishee in any attachment proceeding until the plaintiff shall have recovered a judgment against the defendant in such attachment.

ADVERSE CLAIMANTS.] § 8. If it appears that any goods, chattels, choses in action, credits and effects in the hands of a garnishee are claimed by any other person, by force of an assignment from the defendant or otherwise, the justice of the peace shall permit such claimant to appear and maintain his right. If he does not voluntarily appear, notice for that purpose shall be issued and served on him in such a manner as the justice shall direct.

ADVERSE CLAIM—TRIALS.] § 9. If such claimant appears, he may be admitted as a party to the action, so far as respects his title to the property in question, and may allege and prove any facts necessary to establish his claim to such property, and such allegations shall be tried and determined in the manner hereinbefore provided. If such person shall fail to appear after having been served with notice in the manner directed, he shall be concluded by the judgment in regard to his claim.

DEDUCTIONS AND SET-OFFS OF GARNISHEE.] § 10. Every garnishee shall be allowed to retain or deduct out of the property, effects or credits in his hands all demands against the plaintiff, and all demands against the defendant, of which he could have availed himself if he had not been summoned as garnishee, whether the same are at the time due or not, and whether by way of set off on a trial, or by the set-off of judgments or executions between himself and the plaintiff and defendant severally, and he shall be liable for the balance only after all mutual demands between himself and the plaintiff and the defendant are adjusted, not including unliquidated damages for wrongs and injuries. The verdict or finding, as well as the record of the judgment, shall show in all cases, against which party, and the amount thereof, any set-off shall be allowed, if any such shall be allowed.

NEGOTIABLE PAPER.] § 11. No person shall be liable as a garnishee by reason of having drawn, accepted, made or indorsed any negotiable instrument, when the same is not due, in the hands of the defendant, at the time of service of the garnishee summons, or the rendition of the judgment.

OF THE JUDGMENT.] § 12. The judgment against the garnishee shall in no case exceed the indebtedness of the garnishee to the defendant in the execution or attachment. If the indebtedness of the garnishee is equal to or exceeds the judgment against the original defendant, together with the interest and cost thereon, then the judgment shall be for the amount of the plaintiff's judgment, interest and costs. If the indebtedness of the garnishee exceeds the amount of the plaintiff's judgment, interest and costs, the judgment shall not bar the right of the original defendant to recover such excess from the garnishee, but shall acquit and dis-

charge the garnishee from all demands by the original defendant for all money, goods, effects and credits paid, delivered or accounted for by the garnishee, by force of such judgment.

EFFECT OF JUDGMENT.] § 13. The judgment against a garnishee shall acquit him from all demands by the defendant for all goods, effects and credits paid, delivered or accounted for by the garnishee by force of such judgment.

A DISCHARGE NO BAR.] § 14. If the person summoned as garnishee is discharged, the judgment shall be no bar to an action brought against him by the defendant for the same demand.

REVIVAL OF GARNISHMENT AGAINST EXECUTOR, ETC.] § 15. In case of the death of a person served as garnishee, his executor or administrator may be made a party and notified, unless his appearance is entered, as in the case of the death of a defendant, and the cause may proceed against him as personal representative of the deceased.

EXECUTION NOT TO ISSUE TILL DEBT DUE.] § 16. When judgment is rendered against any garnishee, and it shall appear that the debt from him to the defendant is not yet due, execution shall not issue against him until twenty days after the same shall become due. unless the party asking the same, or his agent, shall make oath that he believes the debt will be lost unless execution issue forthwith, in which case execution shall issue as soon as said debt to the defendant is due, but no sale of property, under such execution, shall take place until after the expiration of twenty days from the day of judgment.

GOODS, ETC., SURRENDERED IN EXECUTION.] § 17. When any garnishee has any goods, chattels, choses in action, or effects other than money, belonging to the defendant, or which he is bound to deliver to him, he shall deliver the same, or so much thereof as may be necessary, to the officer who shall hold the execution in favor of the plaintiff, in the attachment suit or judgment, which shall be sold by the officer, and the proceeds applied and accounted for in the same manner as other goods and chattels taken on execution.

WHEN PROPERTY IS PLEDGED, ETC.] § 18. When it shall appear that such goods, chattels, choses in action, or effects in the hands of a garnishee are mortgaged, or pledged, or in any way liable for the payment of a debt to him, the plaintiff may be allowed, under an order of the court or justice of the peace, for that purpose, to pay or tender the amount due to the garnishee, and he shall thereupon deliver the goods, chattels, choses in action and effects, in the manner before provided, to the officer who holds the execution.

WHEN PLAINTIFF MAY PERFORM CONDITIONS.] § 19. If the goods, chattels, choses in action or effects are held for any purpose, other than to secure the payment of money, and if the contract, condition or other thing to be performed, is such as can be per-



formed by the plaintiff without damage to the other parties, the justice of the peace may make an order for the performance thereof by him. Upon such performance or a tender, the garnishee shall deliver the goods, chattels and effects in the manner before provided, to the officer who holds the execution.

SALE—APPLICATION OF PROCEEDS.] § 20. All goods, chattels, choses in action and effects, received by the officer under either of the two preceding sections, shall be sold and disposed of in the same manner as if they had been taken on an execution in any other manner, except that from the proceeds of the sale the officer shall repay the plaintiff the amount paid by him to the garnishees for the redemption of the same, with interest thereon, or shall indemnify the plaintiff for any other act or thing by him done or performed pursuant to the order of the justice of the peace for the redemption of the same.

EQUITABLE POWERS OF COURT.] § 21. When it shall appear that any garnishee has in his hands, or under his control, any goods, chattels, choses in action or effects belonging to or which he is bound to deliver to the defendant, with or without condition, the justice of the peace may make any and all proper orders in regard to the delivery thereof to the proper officer, and the sale or disposition of the same, and the discharging of any lien thereon, and may authorize the garnishee to sell any such property or collect any choses in action, and account for the proceeds thereof.

WHEN GARNISHEE REFUSES TO DELIVER PROPERTY.] § 22. If any garnishee refuses or neglects to deliver any goods, chattels, choses in action or effects in his hands, when thereto lawfully required by the justice of the peace or officer having an execution upon which the same may be received, he shall be liable to the plaintiff for the full amount of his judgment against the defendant, and judgment may be entered against him therefor.

RIGHTS OF GARNISHEE.] § 23. Nothing contained in this chapter shall prevent the garnishee from selling any goods, chattels, choses in action or effects in his hands for the payment of any demand for which they are mortgaged, pledged or otherwise liable, at any time before the amount due to him is paid or tendered, if such sale would be authorized as between him and the defendant.

COSTS—FEES TO GARNISHEE.] § 24. The justice of the peace may order the costs of the proceedings in any garnishment to be paid by the plaintiff, or out of the effects or credits garnisheed, or by the garnishee, or may apportion the same as shall appear to be just and equitable. The garnishee shall be entitled to fees the same as witnesses before the same courts in civil cases.

TRANSCRIPT FILED IN ANOTHER COUNTY—GARNISHMENT.] § 25. Whenever a judgment shall be rendered by any justice of the peace in any county of this State and not appealed from, and an execution against the defendant in such judgment shall be re-

turned by the proper officer, "No property found," it shall and may be lawful for the plaintiff, his agent or attorney, to file a transcript of said judgment (including the issuing and return of said execution) properly certified to by the justice of the peace before whom said judgment was obtained, accompanied with a certificate from the county clerk, that the justice issuing such transcript is an acting justice of the peace, with any other justice of the peace or any other county in this State and the same to be spread upon his docket—and the same proceeding in regard to garnishment had thereon might have been had before the justice who rendered the original judgment.

SATISFACTION OF JUDGMENT—ENTRY BY BOTH JUSTICES.] § 26. But one satisfaction shall be had, and if the justice of the peace to whom said transcript shall be sent, shall render a judgment against any garnishee summoned according to law, and if said judgment shall be wholly or in part satisfied, then the justice of the peace shall so certify such fact to the justice of the peace who rendered the original judgment, and the same entered on his docket as to what amount has been paid on said judgment, and if wholly paid, then both dockets shall show such fact.

WAGES EXEMPT.] § 27. The wages and services of a defendant being the head of a family, and residing with the same, to an amount not exceeding fifty dollars, shall be exempt from garnishment. In case the wages or services of such defendant in the hands of a garnishee shall exceed fifty dollars judgment, shall be given only for the balance above that amount.

TRANSFERRING CLAIMS—EXEMPTION RIGHTS.] § 28. Whoever, whether principal, agent or attorney, with intent thereby to deprive any *bona fide* resident of the State of Illinois of his or her rights, under the statutes of Illinois on the subject of the exemption of property from levy and sale on execution, or in attachment, or garnishment, sends, or causes to be sent out of the State of Illinois any claim for debt to be collected by proceedings in attachment, garnishment, or other mesne process, when the creditor, debtor or person, or corporation owing for the earnings intended to be reached by such proceedings in attachment are each and all within the jurisdiction of the courts of the State of Illinois, shall, upon conviction thereof, be fined for each and every claim so sent, in any sum not less than ten dollars nor more than fifty dollars.

TRANSFERRING CLAIM—WAGES—FOREIGN PROCESS—PENALTY.] § 29. Whoever, either directly or indirectly, assigns or transfers any claim for debt against a citizen of Illinois, for the purpose of having the same collected by proceedings in attachment, garnishment, or other process, out of the wages or personal earnings of the debtor, in courts outside of the State of Illinois, when the creditor, debtor, person or corporation owing the money intended to be reached by the proceedings in attachment are each and all within the jurisdiction of the courts of the State of Illinois, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than fifty dollars for each offense.

WAGES OF NON-RESIDENTS.] § 30. And whenever, in any proceedings in any court of this State to subject the wages due to any person to garnishment, it shall appear that such person is a non-resident of the State of Illinois, that the wages earned by him were earned and payable outside the State of Illinois, the said person, whose wages are so sought to be subjected to garnishment, shall be allowed the same exemption as is at the time allowed to him by the law of the state in which he so resides.

## ARTICLE X.

### APPEAL AND CERTIORARI.

APPEAL—FORM OF BOND.] SECTION 1. Appeals from judgments of justices of the peace and police magistrates to the circuit or county court, and in the city court in cities in which there is a city court, shall be granted in all cases except on judgments confessed, and in the county of Cook appeals may also be granted to the superior court of said county. The party praying for an appeal shall, within twenty days from the rendition of the judgment from which he desires to take an appeal, enter into bond with security to be approved and conditioned as hereinafter provided, in substance as follows:

*Know all Men by these Presents,* That we, A B and C D, are held and firmly bound unto E F in the penal sum of (here insert double the amount of judgment and costs), lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves, our heirs and administrators jointly, severally and firmly by these presents.

Witness our hand and seal, this...day of....., 18..

The condition of the above obligation is such that whereas the said E. F. did, on the...day of.....A. D. 18.., before..... a justice of the peace (or police magistrate) for...county, (city or village), recover a judgment against the above bounden A B for the sum of...dollars (or for costs, as the case may be), from which judgment the said A B....has taken an appeal to the.....court in the county of..... Now, if the said A B shall prosecute his appeal with effect, and pay whatever judgment shall be rendered against him by said court upon the trial of said appeal, or by consent, or in case the appeal is dismissed, or in case the matter in controversy is settled between the parties to the action without a trial by the court appealed to, will pay the judgment rendered against him by the said justice (or police magistrate) and all costs occasioned by said appeal (or if the judgment appealed from is in favor of the appellant, omit the words, judgment rendered against him by said justice or police magistrate)—then the above obligation to be void; otherwise to remain in full force and effect.

A B. (Seal.)

C D. (Seal.)

Approved by me, this....day of.....A. D. 18..

Which bond may be filed in the office of the justice of the peace rendering said judgment, or with the clerk of the court to which the appeal is taken. When such bond is filed with the justice, it shall be approved by him and he shall suspend all proceedings in the case, and if execution shall have been issued, he shall recall the same and shall within twenty days after receiving and approving of the appeal bond, file the same in the office of the clerk of the court to which the appeal is taken. If the bond is filed with the clerk of the court to which the appeal is taken, it shall be approved by him, and upon the approval of the bond, the clerk shall issue a supersedeas enjoining the justice and constable from proceeding any further in said suit, and suspending all proceedings in relation thereto, and he shall issue a summons to the appellee to appear at the term of the court to which the appeal is returnable, which summons and supersedeas shall be served and returned as summons in other cases. As soon as the supersedeas, issued as aforesaid, shall be served on the justice who gave the judgment and the constable in whose hands an execution or other process may be in relation thereto, they shall suspend all further proceedings thereon. When the bond is filed before the justice, or the supersedeas is served upon him as aforesaid, the justice shall return all the papers in the case and a transcript of his docket in the case to the clerk of the court to which the appeal is taken, with a certificate under his hand that said transcript and papers contain a full and perfect statement of all the proceedings before him.

APPEAL OR CERTIORARI BY ONE OR MORE.] § 2. One or more of several plaintiffs or defendants may appeal or sue out a certiorari without the consent of the others, and all further proceedings shall thereupon be stayed, the same as if all had united in such appeal or certiorari.

STAY OF PROCEEDINGS.] § 3. The justice of the peace and constables shall, as soon as the writ of certiorari shall be served on such officer, stay all further proceedings in that case, until the further order of the court issuing the writ. The justice of the peace shall not be required to send up a minute or memorandum of the evidence given before him.

## ARTICLE XI.

### EXECUTION.

ON APPEAL OR CERTIORARI.] SECTION 1. Execution may issue out of the court on all judgments rendered in cases of appeal and certiorari, as in cases originating in such court.

TWENTY DAYS—SWEARING OUT EXECUTION.] § 2. No execution shall be issued by a justice of the peace in any civil action until after the expiration of twenty days from the date of the judgment on which such execution is to be issued, unless the party applying for the same, his agent or attorney, shall make oath that he



believes that the debt will be lost unless execution be issued forthwith. If such oath be made, then the execution shall be issued immediately and levied. But no sale of any property under such execution shall take place within twenty days from the date of the judgment, nor shall the issuing of such execution deprive either party of the right to appeal.

AGAINST BODY OR GOODS.] § 3. Upon all judgments in action in tort, or where the defendant is in custody or has been held to bail upon a *capias*, as provided in this act, the justice may issue an execution against the body or goods and chattels of the defendant, at the election of the plaintiff.

CA. SA.] § 4. When the judgment creditor is not entitled to an execution against the body of the defendant, under the preceding section, if upon the return of an execution against the goods and chattels of the defendant unsatisfied in whole or in part, the judgment creditor, or his agent or attorney, shall file with the justice of the peace from whom the execution issued, an affidavit, stating that demand has been made upon the debtor for the surrender of his moneys, goods and chattels for the satisfaction of such execution, and that he verily believes that such debtor has moneys, goods and chattels not exempt from execution, which he unjustly refuses to surrender, or that since the debt was contracted, or the cause of action accrued, the debtor has fraudulently conveyed, concealed or otherwise disposed of some part of his moneys, goods and chattels, with a design to secure the same to his own use or defraud his creditors, and also setting forth, upon his knowledge, information or belief, in either case, the facts showing that such belief is well founded—such justice of the peace, if he shall be satisfied that the facts so set forth justify such belief, shall issue an execution against the body of the judgment debtor.

FORM OF EXECUTION AGAINST GOODS.] § 5. All executions issued by a justice of the peace, except executions against the body, shall be directed to any constable of the proper county, and made returnable to the justice issuing the same within seventy days from date unless the amount called for in said execution shall be sooner collected, when it shall be immediately returned. Such executions shall be levied only on personal property, and shall be in the following form, as nearly as may be, viz.:

STATE OF ILLINOIS, }  
 ..... COUNTY. } ss.

*The People of the State of Illinois, to any Constable of said County—GREETING:*

We command you, that of the goods and chattels of A B, in your county, you make the sum of ..... dollars and ..... cents, judgment, and ..... dollars and ..... cents, costs, which C D lately recovered before me in a certain plea against

the said A B, and hereof make return to me within seventy days from this date unless you shall sooner collect the above sum and your costs, when you shall immediately return the same.

Given under my hand this ..... day of ..... 18..

JOHN DOE, J. P.

FORM OF EXECUTION AGAINST BODY.] § 6. Executions against the body shall be directed in the same manner and made returnable in the same time, and may be substantially in the following:

STATE OF ILLINOIS, }  
 ..... COUNTY. } ss.

*The People of the State of Illinois, to any Constable of said County*—GREETING:

We command you, that of the goods and chattels of A B, in your county, you make the sum of ..... dollars and ..... cents, judgment, and ..... dollars and ..... cents, costs, which C D lately recovered before me against the said A B, and for want of such goods and chattels, that you take the body of the said A B and him convey and deliver unto the keeper of the jail of the county of ....., who is hereby commanded to receive and keep the said A B in safe custody until said sum and all legal expenses be paid and satisfied, or until he is discharged by due course of law, and hereof make return to me within seventy days from this date.

Given under my hand this ..... day of ..... 18..

JOHN DOE, J. P.

LIEN OF EXECUTION AND JUDGMENT.] § 7. The personal property of every defendant in a judgment before a justice of the peace, not exempt from execution, shall be bound for the payment of such judgment, from the delivery of the execution issued thereon, to the constable, and the real property of such defendant, not exempt from execution, shall be bound as aforesaid, from the date of the filing of a transcript of the judgment in the clerk's office, as provided in this act.

INDORSEMENT—LEVY—SALE—NOTICE.] § 8. Every constable to whom an execution shall be delivered, shall indorse on the back of the same an exact memorandum of the day and hour when the same shall have come to his hands, and shall immediately proceed to levy the same, indorsing also on the back of the execution the date of such levy, and make an exact inventory of the property on which the same shall have been levied, and shall appoint a day and hour for the sale of said property, giving ten days previous notice of such sale, by advertisement in writing, to be posted up at three public places in the vicinity where the sale is to be made, and on the day so appointed, the said constable shall sell the property so levied on, or so much thereof as may be necessary to pay the judgment, interest and costs, to the highest bidder.

DELIVERY BOND—PROCEEDINGS THEREON.] § 9. Any constable shall be authorized to remove property levied on by him when it shall be necessary for the safe keeping of the same. If the defendant shall desire to retain the property so levied on until the day of sale, it shall be lawful for the said constable to allow the defendant so to keep the same, if said defendant, or his agent, shall give bond to said constable in double the amount of the execution, with good security, conditioned for the delivery of said property to the same constable, at the time and place of sale to be named in such bond. And if the said property shall not be delivered as aforesaid at the time and place of sale, the constable having the execution may proceed to levy the same upon the same or any other property of the defendant, or upon the property of the security in such bond, and shall sell the same, giving two days' notice of such sale by advertisement, to be posted at one public place.

PAYING MONEY.] § 10. On the return of any execution the constable shall pay to the justice of the peace who issued the same all money collected thereon, not previously paid to the plaintiff, including unpaid costs.

EXECUTION TO ANOTHER COUNTY.] § 11. When it shall appear, by the return of any execution issued as aforesaid, that the defendant has not personal property within the county sufficient to satisfy the debt, and it is desired by the plaintiff to have execution issued to some other county in which it is alleged that the defendant has personal property, the justice shall issue execution, directed to any constable of the county where such property shall be said to be, to which execution shall be attached an official certificate of the county clerk of the county in which the same shall be issued, setting forth that such justice was, at the time of issuing said execution, a justice of the peace in and for said county.

DUTY OF CONSTABLES.] § 12. When an execution, shall be issued to another county, as provided in the preceding section, it shall be the duty of the constable receiving the same, to proceed to the collection of the same, and make return as in other cases.

ARREST—COMMITMENT—NOTICE.] § 13. When a debtor shall be arrested by virtue of an execution against his body, he shall be conveyed to the county jail of the county in which the constable who made the arrest resides, and delivered to the jailor, who shall keep him in safe custody until he shall satisfy the execution, or be discharged according to law. Immediately upon the arrest of the defendant, the officer making the same shall give notice thereof to the plaintiff, his agent or attorney, if in the county.

ESCAPE—RE-ARREST.] § 14. If the debtor shall escape from arrest upon an execution against his body, he may be re-arrested upon the same or another execution in the same case, or execution may issue against his property.

EXECUTION ON [TO] ISSUE WITHIN SEVEN YEARS.] § 15. Executions shall be allowed to issue upon a judgment of a justice of the peace at any time within seven years next after the rendition thereof, and not afterwards.

ACTION TO [ON] JUDGMENT.] § 16. An action may be brought upon a judgment of a justice of the peace at any time within ten years next after the rendition thereof, and not afterwards. No such action shall be brought upon said judgment in a court of like jurisdiction within the same county where such judgment may be rendered, until the expiration of seven years next after its rendition.

STATUTE DOES NOT RUN PENDING APPEAL.] § 17. The time during which any judgment of a justice of the peace may be in another court on appeal shall not be counted as part of the time mentioned in the two preceding sections.

## ARTICLE XII.

### TRANSCRIPT.

TRANSCRIPT—CERTIFICATE TO CIRCUIT COURT.] SECTION 1. When it shall appear by the return of the execution first issued as aforesaid, that the defendant has not personal property sufficient to satisfy the judgment and costs within the county in which judgment was rendered, and it is desired by the plaintiff to have the same levied on real property in that or any other county, it shall be lawful for the justice to certify to the clerk of the circuit court of the county in which such judgment was rendered, a transcript, which shall be filed by said clerk, and the judgment shall thenceforward have all the effect of a judgment of the said court, and execution shall issue thereon, out of that court, as in other cases.

WHAT TRANSCRIPT SHALL CONTAIN.] § 2. Every transcript desired to be used for the purposes aforesaid, shall be certified by the justice of the peace making the same, to be truly copied from the files and books of his office, and shall contain a copy of the original and each subsequent summons or process issued by the justice of the peace, the return of the officer or officers thereon, the judgment and the execution or executions issued thereon, with the return of the officer upon the same, and a copy of his docket in the case.

## ARTICLE XIII.

### TRIAL OF RIGHT OF PROPERTY.

PROCEEDINGS FOR.] SECTION 1. When personal property is taken on execution or attachment issued by a justice of the peace, and such property is claimed by a person other than the defendant therein, and such claimant shall give notice in writing, to the constable, of his claim to such property, the constable shall notify the plaintiff in such writ, or his agent or attorney, of such claim,



and shall also notify such plaintiff and the claimant, before what justice and at what time and place a trial of the right of such property will be had.

TRIAL OF THE RIGHT OF PROPERTY.] § 2. The trial of the right of property in such cases shall be before the justice of the peace who issued such writ, if he reside in the county, or if he should be unable to attend such trial, before some other justice of the peace in such county, or before some justice of the peace in the county where the levy is made, in case the writ was issued from another county.

DOCKET—TRIAL.] § 3. The justice shall enter such cases on his docket, and the trial shall be had therein in the same manner as in other trials before justices of the peace. A change of venue may be taken as in other cases.

JUDGMENT.] § 4. In case the property shall appear to belong to the claimant, judgment shall be entered against the plaintiff in the execution or attachment for costs, and the property levied upon shall be released. If it shall appear that the property does not belong to the claimant, judgment shall be entered against him for costs, including such additional costs as shall have been made by the delay in the execution of such writ.

APPEAL—CERTIORARI.] § 5. An appeal may be taken as in other cases provided the same is prayed on the day the judgment is entered and the bond shall be given within five days from the time of entering the judgment. Writs of certiorari may be sued out as in other cases.

EFFECT OF JUDGMENT—APPEAL—DELIVERY BOND.] § 6. The judgment in such cases shall be a complete indemnity to the constable in proceeding to sell or restore any such property, and in case of an appeal, the constable shall retain such property, unless the party claiming, or the defendant in execution, or his agent shall enter into a bond, with sufficient security, for the delivery of such property to the officer, if the judgment of the court shall be against the party giving such bond.

## ARTICLE XIV.

### COLLECTION BY JUSTICES AND CONSTABLES.

JUSTICES TO COLLECT.] SECTION 1. Justices of the peace and constables are authorized, and it is hereby made their duty, to receive the money on all notes and demands which may have been placed in their hands for suit or collection, and upon judgment rendered by such justices.

FAILURE OF JUSTICE OR CONSTABLE TO PAY.] § 2. Upon the failure of a justice of the peace or constable to pay any money by him collected or received, as herein provided, to any person entitled to receive the same, his or her agent or attorney, on demand being made, such person may proceed against such justice

or constable in a summary way, either before a court of record having common law jurisdiction, or some justice of the peace of the proper county, upon giving to such justice or constable five days' notice of the application, and recover the amount so neglected or refused to be paid with twenty per cent. damages thereon for such detention and shall have execution therefor, but such proceeding shall not affect the right of action on the bond of such justice or constable.

PAYMENT—DISMISSED.] § 3. If any justice or constable against whom proceedings shall have been commenced, as provided in the preceding section, shall, before judgment, pay or satisfy the amount claimed by the party prosecuting with the costs, the proceeding shall be dismissed, and without judgment for the damages specified in the preceding section.

## ARTICLE XV.

### JUSTICES AND CONSTABLES GOING OUT OF OFFICE.

RESIGNATION—REMOVAL—DEATH—UNFINISHED BUSINESS.] SECTION 1. When any justice of the peace shall resign his office, or remove from the town or precinct in which he is elected, it shall be his duty to return his docket and all papers relating to the business transacted before him to the office of the county clerk with all copies of the statutes which he may have received from that officer or from any other justice of the peace, and in case of the death of any justice of the peace, it shall be the duty of the person having possession of said docket, papers and statutes to deliver them as aforesaid. Upon the election and qualification of the successor of such justice of the peace, the docket, papers and statutes of such justice of the peace, shall be delivered to his successor in office by the county clerk, and such successor in office shall proceed to the completion of unfinished business, as though the term of office of such justice of the peace who may die, resign or remove, had expired.

TERM EXPIRING—UNFINISHED BUSINESS.] § 2. Whenever the term of office for which any justice of the peace may have been elected shall expire, it shall be the duty of such justice of the peace to deliver his docket, statutes and all papers relating to the business transacted before him, to the county clerk, who shall deliver the same to his successor in office.

UNFINISHED BUSINESS.] § 3. When the docket and papers of any justice of the peace shall be received by any other justice of the peace, such justice receiving the same may proceed to the completion of all unfinished business, issue execution upon judgments remaining unsatisfied upon such docket and collect the same, and have the same power in respect to such docket and papers as if the same pertained to proceedings originally instituted before him.

PENALTY.] § 4. Any justice of the peace failing or refusing to deliver any statute books, dockets or papers to the county clerk within ten days after the expiration of his term of office, or after his said office shall become vacant, shall forfeit and pay a sum of not less than ten nor more than one hundred dollars, to be recovered by an action of debt, in the name of the county for the benefit thereof, and he and his securities on his official bond shall be liable to all persons interested for all damages and losses which may be sustained by reason of such failure or refusal.

CONSTABLE TO FINISH BUSINESS—DEATH.] § 5. Any constable to whom an execution shall have been delivered, and whose term of office shall expire before the expiration of the time within which the return of such execution is required by law, shall be authorized to proceed in all matters relating to said execution, and in the same manner to collect the same, that he might have done had the term of office of such constable not expired, and the constable and his sureties shall be liable for any neglect of duty, and for all moneys collected upon such execution, in the same manner and to the same extent they would have been if the term of office of such constable had not expired, and any process in the hands of a constable, which shall not be completely executed when he may die, resign or be removed from office, may be completed by any other constable of the county.

## ARTICLE XVI.

### REMEDIES UPON BONDS OF JUSTICES AND CONSTABLES.

ACTION IN NAME OF PEOPLE.] SECTION 1. All actions upon the official bonds of justices of the peace and constables shall be brought in the name of the People of the State of Illinois for the use of the person or persons interested. This section shall apply to all bonds heretofore given to the county commissioners' court and county court, or otherwise, as well as to all bonds hereafter to be given, and such action may be brought before justices of the peace where the amount claimed is under two hundred dollars.

JUDGMENT—EXECUTION.] § 2. When the official bond of a justice of the peace or constable is sued upon, judgment shall be entered for the full amount of the penalty of the bond, and for such an amount, as damages, to the use of the party suing upon such bond, as he is found to be entitled to recover, and costs of suit. Execution thereon shall be satisfied by the payment of the damages and interest thereon and costs of suit.

SCIRE FACIAS.] § 3. When judgment shall have been rendered on the official bond of a justice of the peace or constable, any person having a right to recover for a breach of the conditions of such bond may, upon petition to the justice of the peace who rendered the judgment setting forth substantially his cause of action, have a *scire facias* in the usual form, against the defendants in such judgment to appear and show cause why execution should

not issue on such judgment for the amount claimed by the petitioner, and such proceedings may be had thereon as in other like cases.

ASSESSMENT OF DAMAGES—EXECUTION.] § 4. Upon a finding in favor of the petitioner, the damages due him shall be assessed and judgment entered therefor, with costs, to his use, and an alias execution issued upon such original judgment, to be satisfied upon the payment of such damages with interest thereon and costs.

PROPERTY OF PRINCIPAL FIRST TAKEN—LIEN.] § 5. When judgment shall have been rendered against any justice of the peace or constable and his securities on his official bond, execution may issue against all of them, but the officer executing the same shall not levy upon the property of the securities until he shall fail to find sufficient property of the justice of the peace or constable to satisfy such execution. The execution shall be a lien upon the property of the securities as in other cases.

LIABILITY OF SURETY AND PRINCIPAL.] § 6. Securities shall not be liable in execution beyond the amount of the penalty of their bond, but the liability of the principal shall continue after the penalty of the bond is exhausted, and the court may continue to award execution, as execution shall require, against him alone, for such excess without a new action.

COPY OF BOND EVIDENCE.] § 7. In actions on the official bonds of justices of the peace and constables, a copy of such bond, authenticated under the official signature and seal of the county clerk, with whom it is filed, may be read in evidence.

APPEAL, ETC.] § 8. Justices and constables, and their securities, may have the benefit of appeal and certiorari, from all decisions and judgments rendered in actions against them, as is provided in other cases.

MISCONDUCT OF CONSTABLES.] § 9. If any constable shall fail or neglect to return an execution within ten days after its proper return day, or if the demand, debt or claim be wholly or in part lost, or if any special damage shall arise to any party by reason of the neglect or refusal to act, or the misfeasance or the non-feasance of any constable in the discharge of any official duty, the party aggrieved may have his action, in any court of competent jurisdiction, against such constable and his sureties, on the official bond of such constable, and shall recover thereon the amount of said execution and costs, with interest from the date of the judgment upon which the original execution issued.

## ARTICLE XVII.

### GENERAL PROVISIONS.

TO KEEP RECORD.] SECTION 1. It shall be the duty of every justice, whenever an action shall be commenced before him, to record, in a well-bound book to be furnished by the county clerk,



at the expense of the county, for that purpose, the names of the parties, the amount and nature of the debt sued for, the date and description of the process issued and the name of the officer to whom such process shall be delivered, and throughout the whole proceedings in any action it shall be the duty, whenever any process shall be issued or returned, or any order made or judgment rendered, to make a written memorandum of the same, in the same book, and to file and safely keep all papers given him in charge.

ATTACHMENTS FOR CONTEMPT.] § 2. In all cases where a witness shall be duly served with a subpoena, and shall fail to attend at the trial, conformably thereto, and in all cases where a person shall be summoned as a juror, to try any cause before a justice of the peace, and shall fail to attend at the time and place appointed in such summons, the justice shall have power to issue an attachment, directed to any constable of the county, commanding him forthwith to bring before such justice the body of such juror or witness so failing to attend, as aforesaid, to show cause why he should not be fined for such contempt, and on the appearance of such juror or witness on such attachment, it shall be lawful for the justice of the peace to fine him in any sum not less than one dollar nor more than ten dollars, or wholly discharge him, if satisfactory excuse be made.

ORDER—FINE FOR CONTEMPT.] § 3. Every person who shall appear before a justice of the peace, when acting as such, or who shall be present at any legal proceeding before a justice, shall demean himself in a decent, orderly and respectful manner, and for failure to do so, such person shall be fined by the said justice for contempt, in any sum not more than five dollars.

LIST OF WITNESS FEES.] § 4. It shall be the duty of the justice of the peace to post up in his office, at least once in three months, a list of all witness fees in his hands, and the names of the persons to whom they belong, and for a failure to comply with this provision, a justice of the peace shall be liable to a fine of fifty dollars, to be recovered by action of debt in the name of the People of the State of Illinois.

## ARTICLE XVIII.

### CRIMINAL JURISDICTION.

JURISDICTION.] SECTION 1. Justices of the peace shall have original jurisdiction in all cases of misdemeanor, when the punishment is by fine only and the fine does not exceed two hundred dollars, and also in all cases of assault, and assault and battery, and affrays, in which the people are plaintiffs, and in cases arising under the criminal code concerning vagabonds.

ARREST AND TRIAL.] § 2. In all cases of offenses of which a justice of the peace has jurisdiction he may, upon the affidavit of any competent person, issue his warrant to any constable of his

county for the arrest of any person charged with either of said offenses, and upon the arrest of such person shall proceed to hear and determine the cause according to law.

SPECIAL CONSTABLE.] § 3. Any justice of the peace may appoint a suitable person to act as constable in a criminal case where there is a probability that a person charged with any offense will escape, or that goods and chattels will be removed before application can be made to a qualified constable, and the person so appointed shall act as constable in that particular case and no other, and any temporary appointment, so made as aforesaid, shall be made by a written endorsement, under the seal of the justice, on the back of the process which the person receiving the same shall be authorized to execute.

JURY TRIAL.] § 4. The person accused may have the cause tried by a jury, upon the same conditions, and the jury shall be summoned and impaneled in the same manner as in civil cases before justices of the peace. The defendant shall not be required to advance the jury fees.

JURY TO DETERMINE PENALTY.] § 5. If the jury find the accused guilty, they shall assess the fine or fix the punishment, as aforesaid.

JUDGMENT ON VERDICT RENDERED.] § 6. Upon the jury returning their verdict the justice shall record the same in his docket or record book and proceed to render judgment thereon accordingly, with costs. If the jury return a verdict of not guilty, the justice shall discharge the defendant without costs.

EXECUTION TO ISSUE.] § 7. Upon the rendition of a judgment imposing a fine the justice shall, except as otherwise provided, issue execution against the goods and chattels of the defendant for the fine and costs, which may be levied upon any personal property of the defendant not exempt from execution, and proceedings may be had thereon as upon other executions.

CAPIAS ISSUED.] § 8. If the constable shall return upon such execution that the defendant has no goods and chattels whereof to make the money, the justice shall issue a capias against the body of the defendant and the constable arrest such person and commit him to the jail of the county, there to remain forty-eight hours, and if the fine exceed ten dollars, then to remain in said jail twenty-four hours for every five dollars over and above the said ten dollars, and so on in proportion to the amount of said fine.

APPEALS.] § 9. The defendant may appeal from the judgment of the justice of the peace in criminal cases to the county or circuit court of the county, the appeal to be taken in the same time and manner, and upon the same conditions, and with like effect, and like proceedings may be had thereon as in civil cases, except that no damages shall be allowed, and except that in the county of Cook the appeal shall be to the criminal court of Cook county.

DUTY OF JUSTICE OF [ON] APPEAL.] § 10. When any defendant convicted of either of the said offenses appeals, it shall be the duty of the justice to return to the clerk of the court to which the appeal is taken, when he returns the papers in the case, the names of all material witnesses.

DEFENDANT GUILTY—JUDGMENT RENDERED.] § 11. If upon such appeal the defendant shall be found guilty, judgment shall be rendered against both principal and surety in the appeal bond, for the amount of fine assessed by the jury in said court, and all costs that may have accrued.

NO IMPRISONMENT WITHOUT CONVICTION BY JURY, UNLESS JURY WAIVED.] § 12. No person shall be imprisoned for non-payment of a fine or a judgment in any civil, criminal, quasi criminal, or *qui tam* action, except upon conviction by a jury: *Provided*, that the defendant or defendants in any such action may waive a jury trial by executing a formal waiver, in writing, and when such waiver of jury is made, imprisonment may follow the judgment of the court without conviction by the jury. This section shall not apply to fines inflicted for contempt of court.

TRANSCRIPT TO BE FILLED—WHAT TO CONTAIN.] § 13. In all preliminary examinations before justices of the peace or police magistrates, when the prisoner has been held to await the action of the grand jury, the justice or police magistrate shall make and file with the clerk of the court to which the prisoner has been held, a transcript giving a brief statement of the case and the fees of the justice or magistrate and other officers and witnesses engaged in the preliminary proceedings, and such fees shall, upon the conviction of the prisoner in the trial court, be taxed by the clerk thereof and collected as in appeal cases.

APPROVED June 26, 1895.

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## LIBRARIES.

### ESTABLISHMENT OF LIBRARY BY CITY.

§ 1. Amends section 1 of the amended Act of 1872 by providing that the tax levied after the year 1896, shall not exceed one mill on the dollar annually, instead of one-half mill after the year 1895, as provided in the amendment of 1891.

AN ACT to amend section one of "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended by an act approved June 17, 1887, and as amended by an act approved May 25, 1889, and as amended by an act approved March 26, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section one of "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,"*

approved and in force March 7, 1872, as amended by an act approved June 17, 1887, and as amended by an act approved May 25, 1889, and as amended by an act approved March 26, 1891, be, and the same is hereby, amended so as to read as follows:         

Section 1. That the city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed two mills on the dollar annually on all the taxable property in the city: *Provided*, that in cities of over one hundred thousand inhabitants, after the year 1896, such tax shall not exceed one mill on the dollar annually, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the library fund: *Provided*, that the said annual library tax in cities of over ten thousand inhabitants shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized.

APPROVED June 15, 1895.

## LIENS.

### MECHANICS' LIENS.

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| § 1. Lien—When given.  | § 16. Incumbrances.  |
| § 2. Material furnished under mistake.   | § 17. Entire contracts—Apportionment.                        |
| § 3. Labor, materials, etc., upon land belonging to married women.               | § 18. Costs—Attorney's fees.                                 |
| § 4. Breach of contract on the part of the owner.                                | § 19. Sales as under chancery decrees.                       |
| § 5. Subcontractors and material-men—Notice.                                     | § 20. Application of proceeds.                               |
| § 6. Verbal contract—Written contract.   | § 21. Redemption.  |
| § 7. Enforcement of lien as against creditor, incumbrancer, etc.—Claim for lien. | § 22. Lien of subcontractor—Rights defined.                  |
| § 8. Liens assignable.   | § 23. New partners or joint contractors.                     |
| § 9. Venue—Judgment—Default.   | § 24. Public improvements—Lien.                              |
| § 10. Suits against personal representatives of deceased parties.                | § 25. Notice of claim—Lien.                                  |
| § 11. Bills or petitions—Joinder of parties—Summons.                             | § 26. When owner, etc., cannot be found in county—Notice.    |
| § 12. Amendments.  | § 27. Preferred lien.  |
| § 13. Pleadings—Answer, replication—Issue.                                       | § 28. Payments.  |
| § 14. Want of preparation for trial.   | § 29. Enforcement of unpaid subcontractors' lien.            |
| § 15. Preferred liens.   | § 30. Execution returned unsatisfied—Transcript of judgment. |
|  | § 31. Several liens—Proceedings.                             |



§ 32. Breach of contract on the part of contractor—Proceedings.	§ 37. Materials on credit with intent to defraud—Penalty.
§ 33. Payments to contractor.	§ 38. Lien on watercraft.
§ 34. Limitation.	§ 39. Claim for lien.
§ 35. Written demand of lienor, etc., for commencement of suit.	§ 40. Repeal.
§ 36. Release of claim	§ 41. Construction.

AN ACT to revise the law in relation to mechanics' liens.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall, by any contract with the owner of a lot or tract of land, or with one whom such owner has authorized or knowingly permitted to improve the same, furnish or specially manufacture and prepare materials, fixtures, apparatus or machinery for the purpose of, or in building, altering, repairing or ornamenting any house or other building, walk, driveway, fence of [or] improvement, or appurtenance thereto on such lot, or connected therewith and upon, over or under a sidewalk, street or alley adjoining, or fill or excavate such lot, or raise or lower any house thereon, or remove any house thereto, or perform services as an architect for any such purpose, or furnish or perform labor or services as superintendent, timekeeper, or otherwise in building, altering, repairing or ornamenting the same, or furnish materials, fixtures, apparatus, machinery, labor or services on the order of his agent, architect or superintendent having charge of the improvement in building, altering, repairing or ornamenting the same, shall be known under this act as a contractor, and shall have a lien upon the whole of such tract of land or lot, and upon the adjoining or adjacent lots of such owner constituting the same premises and occupied or used in connection with such lot as a place of residence or business, and in case the contract be entire and relate to two or more buildings on adjoining or adjacent lots of the same owner, upon all of said lots and the improvements thereon, for the amount due to him for such material, fixtures, apparatus, machinery, services or labor, and interest from the date the same is due. This lien shall extend to an estate in fee, for life, for years, or any other estate, or any right of redemption, or other interest which such owner may have in the lot or land at the time of making such contract or may subsequently acquire therein, and as to the improvements for which the lien is claimed, shall be superior to any right of dower of husband or wife in such improvement. This lien shall attach as of the date of the contract, but, as against or to the prejudice of any other creditor, incumbrancer or purchaser without actual or constructive notice of such contract, the lien shall not attach as of the date of the contract, unless within thirty days thereafter, the contractor shall file in the office of the clerk of the circuit court of the county in which such improvement is to be made, a statement, giving his name and the name of the owner of the property, what his contract is for, the amount to be paid, a de-

scription of the property, and the date when delivery of material or work is to be completed. If such statement is not filed within the thirty days named, the lien shall attach from the date the same is filed: *Provided*, that commencement of work or delivery of material at the premises by any contractor shall serve the same purpose as the filing of such statement or commencement of work by all parties who may subsequently furnish or specially prepare material for, or perform services of labor in the construction of the improvement. The lien for materials bought, specially prepared for or delivered at, but not used in the improvement, shall be second to the lien of contractors, whose material was used therein, and as against purchasers and incumbrancers of such real estate, who become such without actual or constructive notice of the contract for materials, the lien shall prevail only to the extent of the value of the materials used. If the materials, fixtures, apparatus, machinery, labor or services were furnished under a contract with any of the persons named other than the owner, or one by him authorized to make such contract, the owner may prevent such lien for what is not then furnished or performed, by giving written notice to the person furnishing or performing the same that he will not be responsible therefor.

§ 2. Any person furnishing services, labor or material for the erection of a new building or structure, or improvement, but by mistake upon land owned by another than the party contracting as owner, shall have a lien for such services, labor or material upon such buildings or structure or improvement [improvement], and the court, in the enforcement of such lien, shall order and direct such building, structure or improvement to be separately sold under its decree, and the purchaser may remove the same within such reasonable time as the court may fix.

§ 3. If any such services or labor are performed upon, or materials are furnished for, lands belonging to any married woman, with her knowledge and consent, in pursuance of a contract with the husband of such married woman, the person furnishing such labor or materials shall have a lien upon such property the same as if such contract had been made with such married woman, and in case the title to such lands upon which improvements are made is held by husband and wife jointly or by entireties, the lien given by this act shall attach to such lands and improvements, if the improvements be made in pursuance of a contract with both of them, or in pursuance of a contract with one of them by and with the knowledge and consent of the other, and in all such cases no claim of homestead right set up by a husband or wife shall defeat the lien given by this act.

§ 4. When the owner of the land shall have failed to perform his part of the contract by failing to pay to the contractor moneys justly due him under the contract at the time when the same should have been paid, or has failed to perform his part of the contract in any other manner, the contractor shall not be held

liable for any delay on his part during the period of, or caused by such breach of contract on the part of the owner, and if, after ten days' notice in writing by the contractor, the owner shall fail to comply with his contract, the contractor may discontinue the work, and in such case he shall be entitled to a reasonable compensation for as much thereof as has been performed in proportion to the price stipulated for the whole, and such damages as the contractor may have sustained by reason of the owner's default, and the court shall adjust his claim and allow him a lien accordingly. In such case the party selling material which has not been used shall have the right to take possession of and remove the same if he so elects.

§ 5. Within ten days after the contract is made, and before commencing work thereunder, it shall be the duty of the contractor to give the owner, and also the duty of the owner to require of him a statement in writing, under oath or verified by affidavit, of the names and addresses of all parties having sub-contracts for specific portions of the work, or for material, and of the amount to become due each, and when, or if any such sub-contracts are not then let, the names and addresses of those who have made bids or proposals for the same or for material, and the respective amounts of such bids or proposals, and within ten days after the same are accepted, the amount thereof, and if any contractor shall fail to so notify the owner within five days after written notice to do so, such owner may cancel the contract with such contractor by written notice of such cancellation, and the lien of such contractor shall be subject to the liens of all other creditors. But this section shall not apply to contractors who have given, or within the ten days first named shall give, to the owner a good and sufficient bond for the completion of such building or improvement free and clear of all mechanics' liens, and such bond is made for the use and benefit of those who may be entitled to such liens; nor where such persons shall in advance waive their rights to liens and bind themselves to perform their respective sub-contracts, services or labor; nor to contractors whose sub-contractors and material-men agree to take solely for payment; nor to merchants and dealers in materials only.

§ 6. If the work is done, or materials are furnished under a verbal contract, no lien shall be had by virtue of this act unless the work shall be done or materials furnished within one year from the date of the contract, and final payment therefor is to be made within such time.

If the contract be written, no lien shall be had by virtue of this act, if the time stipulated for the completion of the work or furnishing materials is beyond three years from the date of the contract, or the time of payment beyond one year from the time stipulated for the completion thereof. Nor shall a lien be had under a written contract where the time of completion or final payment is more than one year from the date of the contract, unless either the work be continual up to the date for such pay-

ment, or within thirty days after completion the contractor shall file in the office of the circuit clerk of the county where the improvement is made a statement under oath, or verified by affidavit, giving the name of the contractor and of the person contracting with him, a description of the property improved, the balance due, and the date for the final payment, which statement shall have the effect and stand in lieu of the claim for lien hereinafter provided for.

§ 7. No contractor shall be allowed to enforce such lien as against or to the prejudice of any other creditor, or incumbrancer, or purchaser, unless, within four months after the last payment shall have become due and payable, according to the terms of the original contract, he shall either bring suit to enforce his lien therefor, or shall file with the clerk of the circuit court of the county in which the building, erection or other improvement to be charged with the lien is situated, against the owner, a claim for lien, verified by the affidavit of himself, agent or employé, which shall consist of a brief statement of the contract, the date the same was made, the date fixed therein, or the time implied, for completion and for final payment, and the date that the same was completed, if completed, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tract of land to pass the title thereof by deed of conveyance. An itemized account shall not be necessary, except for extras, where the contract is for all of the work or materials, or all of a specific part thereof at a fixed and agreed price. Such claim for lien may be filed at any time after the contract is made, and, as to the owner, may be amended at any time before trial or on the hearing of a suit to enforce the lien, subject to a continuance, on account of such amendment, in the discretion of the court. No such lien shall be defeated to the proper amount thereof, because of an error or overcharge on the part of any person claiming a lien therefor under this act, unless it shall be shown that such error or overcharge was made with intent to defraud. Nor shall any such lien for material be defeated because of lack of proof that the material, after the delivery thereof, actually entered into the construction of such building or improvement: *Provided*, it is shown that such material was in fact in good faith delivered at the place where said building or improvement was being constructed, for the purpose of being used in such construction: *And, provided, further*, that in case of the construction of a number of buildings under contract between the same parties, it shall be sufficient, in order to establish such lien for material, if it be shown that such material was in good faith delivered at any one of said buildings for the purpose of being used in the construction of any one or all of such buildings, and such lien for such material shall attach to all of said buildings, together with the land upon which the same are being constructed the same as in a single building or improvement.



§ 8. All liens or claims for liens which may arise or accrue under the terms of this act shall be assignable, and proceedings to enforce such liens may be maintained by and in the name of the assignee, who shall have as full and ample power to enforce the same as if such proceedings were taken under the provisions of this act by and in the name of the lien claimant.

§ 9. If payment shall not be made to the contractor having a lien by virtue of this act of the amount due when the same becomes due, then such contractor may bring suit to enforce his lien by bill or petition in any court of competent chancery jurisdiction in the county where the labor was done or the materials delivered. Any two or more persons having liens on the same property may join in bringing such suit, setting forth their respective rights in their bill or petition. If a suit be then pending to foreclose a mortgage or trust deed or to enforce a mechanic's lien on the premises, or any suit shall afterwards be instituted, all lien claimants not made parties thereto, and having actual notice of such proceeding, and all defendant lien claimants shall file their suits to enforce their liens by answer to the bill or petition in the nature of an intervening petition, and the same shall be taken as cross-bills against all the parties to such suit, and the said bill or petition shall not thereafter be dismissed as to any such lien claimant or to the owner or owners of the premises without the consent of such lien claimant. The complainant or petitioner and all defendants to such bill or petition may contest each other's rights without any formal issue of record made up between them other than that upon the original bill or petition, as well with respect to the amount due as to the right to the benefit of the lien claimed: *Provided*, That if by such contest by co-defendants any lien claimant be taken by surprise the court may, in its discretion as to such claim, grant a continuance. The court may render judgment against any party summoned and failing to appear as in other cases of default. Such suit shall be commenced or intervening petition filed within two years after final payment is due according to the terms of the original contract, or the lien shall be void as to all parties.

§ 10. Suits may be instituted under the provisions of this act, in favor of administrators or executors, and may be maintained against the representatives in interest of those against whom the cause of action accrued, and in suits instituted under the provisions of this act, the representatives of any party who may die pending the suit, shall be made parties.

§ 11. The bill or petition shall contain a brief statement of the contract or contracts on which it is founded, the dates when made, to be completed for final payment, and when completed; if not completed, why, what was done, and between what dates; it shall also set forth the amount due and unpaid, a description of the premises which are subject to the lien, and such other facts as may be necessary to a full understanding of the rights of the parties. Where plans or specifications are by reference made a part of the contract, it shall not be necessary to set the same out in the plead-

ings or as exhibits, but the same may be produced on the trial of the suit. The complainant or petitioner shall make all parties interested, of whose interest he is notified or knows, parties defendant, except his own sub-contractors, and promptly place a summons for such parties in the hands of the proper officer for service, which summons shall issue and service thereof be had as in suits in chancery, and when any defendant resides or has gone out of the State, or on due inquiry cannot be found, or is concealed within this State, so that process cannot be served on him, the complainant or petitioner shall cause notice to be given to him in like manner and upon the same conditions as is provided in suits in chancery, and his failure to so act with regard to summons or notice shall be ground for judgment or decree against him as upon the merits. The same rule shall prevail with cross-petitioners with regard to any person of whose interest they have knowledge, and who are not already parties to the suit or action, and the court may, in its discretion, enter like judgment or decree against any complainant before it not diligently prosecuting his claim to final judgment. Parties in interest, within the meaning of this act, shall include persons entitled to liens thereunder whose claims are not, as well as are due at the time of the commencement of suit, and such claims shall be allowed, subject to a reduction of interest from the date of judgment to the time the claim is due; also all persons who may have any legal or equitable claim to the whole or any part of the premises upon which a lien may be attempted to be enforced under the provisions thereof, or who are interested in the subject matter of the suit. Any such persons may, on application to the court wherein the suit is pending, be made or become parties at any time before final judgment. No action or suit under the provisions of this act shall be voluntarily dismissed by the party bringing the same without due notice to all parties before the court, and leave of court upon good cause shown and upon terms named by the court.

§ 12. For the purpose of bringing all parties in interest before the court, the court shall permit amendments to any part of the pleadings, and may issue process, make all orders requiring parties to appear, and requiring notice to be given, that are or may be authorized in proceedings in chancery, and shall have the same power and jurisdiction of the parties and subject, and the rules of practice and proceedings in such cases shall be the same as in other cases in chancery, except as is otherwise provided in this act. The court shall have power to appoint receivers for property on which liens are sought to be enforced in the same manner, for the same causes, and for the same purposes as in cases of foreclosure of mortgages, as well as to complete any incompleated building where the same is deemed to be to the best interest of all the parties interested.

§ 13. Defendants shall answer the bill or petition under oath, unless the oath is waived by the complainant or petitioner, and the plaintiff shall except or reply to the answer as though the proceeding was in chancery. The answer shall be regarded as

the plea of the defendant, and by replication thereto an issue, or issues, shall be formed, which shall be tried by the court, or by a jury under the direction of the court, as the court may direct or the parties agree. The owner shall be entitled to make any defense by way of set-off, recoupment or counter-claim that he could in any action at law, and shall be entitled to the same right of recovery on proof of such in excess of the claim of the contractor, or any other party to the suit, but for matters not growing out of the contract such recovery shall be without prejudice to the rights of the sub-contractors thereunder for payment out of the contract price or fund.

§ 14. In no case shall the want of preparation for trial of one claim delay the trial in respect to others, but trial shall be had upon issues between such parties as are prepared without reference to issues between other parties, and when one creditor shall have obtained a decree or judgment for the amount due, the court may order a sale of the premises on which the lien operates, or a part thereof, so as to satisfy the decree or judgment: *Provided*, that the court, may, for good cause shown, delay making any order for sale or distribution until the rights of all parties in interest are ascertained and settled by the court.

§ 15. Upon all questions arising between different contractors having liens under this act, no preference shall be given to him whose contract was first made, but the claim of any such person for mechanical or other labor by him personally performed, to the extent of two weeks' wages, shall be a preferred lien to an amount equal to ten per cent. of the proportionate value of the entire work completed up to the date of the last day's work of such labor.

§ 16. No incumbrance upon land, created before or after the making of the contract under the provisions of this act, shall operate upon the building erected, or materials, fixtures, apparatus or machinery furnished for erecting or improving the same until the lien in favor of the person doing the work or furnishing the materials, fixtures, apparatus or machinery shall have been satisfied, and upon questions arising between different incumbrances and lien creditors, the previous incumbrance shall be preferred to the extent of the value of the land at the time of making the contract, the lien creditors to the extent of the market value the same is enhanced by reason of the improvements, and the court shall ascertain, by jury or otherwise, as the case may require, what proportion of the proceeds of the sale shall be paid to the several parties in interest. Where, after a trust deed or mortgage has been recorded, contracts shall be made for the improvement of the property, and the owner shall pay for labor or material in such improvement, the enhanced value thereby given shall be treated as a fund in which the mortgagee and lien-holder shall participate pro rata. Any incumbrance, whether by mortgage, judgment or otherwise, charged and shown to be fraudulent, in respect to creditors, may be set aside by the court, and the premises made subject to the claim of

the complainant or petitioner, freed and discharged from such fraudulent incumbrance.

§ 17. Where the contract for material or labor is entire, and relates to houses on different lots, the court shall apportion the amount of the lien and costs on each house and lot according to the value thereof, and direct the sale of each house and lot separately to satisfy the amount of the lien and costs apportioned against it, and if the same shall not sell for sufficient to pay such amount, shall order the deficiency paid out of the surplus proceeds of the sale of any other of said houses and lots covered by such lien.

§ 18. The costs of proceedings, as between all parties to the suit, shall be taxed equitably against the losing parties, and where taxed against more than one party, shall be so taxed against all in favor of the proper party, but equitably as between themselves, and the costs, as between creditors aforesaid in contests relative to each other's claims, shall be subject to the order of the court, and the same rule shall prevail in respect to costs growing out of the proceedings against and between incumbrances. In all cases where liens are enforced, a fee of five dollars shall be taxed for filing the claim for lien, and the court shall order a reasonable attorney's fee, not exceeding ten per cent., taxed as part of the costs, in favor of the claimant, and where the same are defeated in favor of the owner.

§ 19. Whatever right or estate such owner had in the land at the time of making the contract may be sold in the same manner as other sales of real estate are made under decrees in chancery. If any part of the premises can be separated from the residue and sold without damage to the whole, and if the value thereof is sufficient to satisfy all claims proved in the cause, the court may order a sale of that part.

§ 20. The court shall ascertain the amount due each lien creditor, and shall direct the application of the proceeds of sale to be made to each in proportion to their several amounts, according to the provisions of this act, except that in the payment of mechanics' lien claims, the claims of laborers, who are contractors under this act, to the extent of two weeks' wages, shall be first paid, after that the balance due such laborers and other mechanic lien creditors pro rata. If, upon making sale under this act of any or all premises, the proceeds of such sale shall not be sufficient to pay the claims of all parties, according to their rights, the decree shall be credited by the amount of said sale, and execution may issue in favor of any creditor whose claim is not satisfied for the balance due, as upon a deficiency decree in the foreclosure of a mortgage in chancery, and such deficiency decree shall be a lien upon all real estate and other property of the party against whom it is entered, to the same extent and under the same limitations as a judgment at law, and in case of excess of sales over the amount of the decree, such excess shall be paid to the owner of the land, or to the person who may be entitled to the same under the direction of the court.



§ 21. Upon all sales under this act, the right of redemption shall exist in favor of the same persons, and may be made in the same manner as is or may be provided for redemption of real estate from sales under judgments and executions at law.

§ 22. Every mechanic, workman or other person who shall in pursuance of the purposes of the original contract furnish any materials, apparatus, machinery or fixtures, or furnish or perform services or labor for the contractor, shall be known under this act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, in the same manner, from the same time, on the same property and to the same extent as is herein provided for the contractor, and also, as against the creditors of the contractor, on the materials, fixtures, apparatus or machinery furnished, and on the money or other consideration due or to become due from the owner under the original contract. But the aggregate of all the liens hereby authorized shall not exceed the price stipulated in the original contract between such owner and the contractor for such improvements, except as hereinafter provided. In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of such house, building or other improvements than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor, or to his order, in violation of the rights and interests of the persons intended to be benefited by this act: *Provided*, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors, fixed an unreasonably low price in their original contract for the erection or repairing of such building, then the court shall ascertain how much of a difference exists between a fair price for the labor and materials used in said building or other improvements and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien, but in no case shall the contractor's time or profits be secured by this lien, only so far as the sum named in the original contract or agreement. But where the contractor's statement, made as provided in section five (5) shows the amount to be paid to the sub contractor or party furnishing material; or the sub-contractor's statement, made pursuant to section twenty three (23), shows the amount to become due for material; or notice is given to the owner, as provided in sections twenty-five (25) and twenty-six (26), and thereafter such sub-contract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered, without written protest on the part of the owner previous to such performance, or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material regardless of the price named in the original contract shall have a lien therefor to the extent of the amount named in such statements or notice. Also, in such cases, and in case of like default by the contractor, the sub contractor or party furnishing or preparing

material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in section four (4) of this act, and shall have and may exercise the same rights as are therein provided for the contractor, and when the contractor shall have failed to perform and abandoned his part of the contract, the sub-contractors and material-men, or any of them, shall have the right to complete the same, and shall be entitled to a reasonable compensation therefor, in proportion to the price stipulated for the whole, and the court shall adjust their claims accordingly.

§ 23. Whenever, after a contract has been made, the contractor shall associate one or more persons as partners or joint contractors in carrying out the same or any part thereof, the lien for materials or labor furnished by a sub-contractor to such contractor and his partners or associates, as originally agreed upon, shall continue the same as if the sub-contract had been made with all of said parties. When the contractor shall sub-let his contract, or a specific portion thereof, to a sub contractor, the party furnishing material to or performing any labor for such sub-contractor, shall have a lien therefor to the extent of the sum to be paid to the sub-contractor who purchases material from or employs him, and may enforce his lien in the same manner as is herein provided for the enforcement of liens by sub-contractors. Any sub-contractor shall, as often as requested in writing by the owner or contractor, or the agent of either, make out and give to such owner, contractor or agent a statement of the persons furnishing material, giving their names and how much, if anything is due or to become due to each of them, and when the same became or will become due, which statement shall be made under oath, if required. If any sub contractor shall fail to furnish such statement within five (5) days after such demand, he shall forfeit to such owner or contractor the sum of fifty dollars (\$50) for every offense, which may be recovered in an action of debt before a justice of the peace, and shall have no right of action against either owner or contractor until he shall furnish such statement, and the lien of such sub-contractor shall be subject to the liens of all other creditors.

§ 24. Any person who shall furnish material, apparatus, fixtures, machinery or labor to any contractor for a public improvement in this State, shall have a lien on the money, bonds or warrants due or to become due such contractor for such improvement: *Provided*, such person shall, before any payment or delivery thereof is made to such contractor, notify the officials of this State, county, township, city or municipality whose duty it is to pay such contractor of his claim by a written notice and the full particulars thereof. It shall be the duty of such officials so notified to withhold a sufficient amount to pay such claim until it is admitted, or by law established, and thereupon to pay the amount thereof to such person, and such payment shall be a credit on the contract price to be paid to such contractor. Any

officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation, which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount due under their respective contracts.

§ 25. Such sub-contractor, or party furnishing materials, may at any time after making his contract with the contractor, and shall within sixty (60) days after the completion thereof, or if extra work is done or extra material is delivered thereafter, within sixty days after the date of completion of such extra work or final delivery of such extra material, cause a written notice of his claim, or of such sub-contract with a copy thereof, if the same be in writing, and the amount due or to become due thereunder, and when it became or will become due, to be personally served on the owner, or his agent, or the architect, or superintendent having charge of the building or improvement, and his claim shall be a lien as against the owner from the date of the service of such notice, so far as the owner may be indebted to the contractor at that time, or may become indebted to him as such contractor thereafter. Where such written contract by reference makes the plans and specifications of the original contract part thereof, it shall not be necessary to serve a copy of such plans or specifications with the notice. It shall be the duty of the agent, architect or superintendent so notified to at once transmit such notice to the owner, and for his failure so to do he shall be personally liable, both to the owner and party serving such notice, for all damages in consequence of such failure, which may be recovered in an action at law in any court of competent jurisdiction: *Provided*, such notice shall not be necessary where the sworn statement of the contractor or sub contractor provided for herein shall serve to give the owner true notice of the amount due and to whom due, but where such statement is incorrect as to the amount, the sub-contractor or material man named shall be protected to the extent of the amount named therein as due or to become due to him. The form of such notice may be as follows:

To (name the owner): You are hereby notified that I have been employed by (name of contractor) to (state here what was the contract or what was done, or to be done, or what the claim is for) under his contract with you on your property at (here give substantial description of the property), and that there was due me on the....day of....., or is to become due on the.... day of.....(as the case may be) therefor the sum of..... dollars.

Dated at.....this....day of....., A. D. 189..

(Signature).....

§ 26. In all cases where the owner, agent, architect or superintendent cannot be found in the county in which said improvement

is made, or shall not reside therein, the sub-contractor or person furnishing materials, fixtures, apparatus, machinery, labor or services, shall give notice by filing in the office of the clerk of the circuit court against the person making the contract and the owner a claim for lien verified by the affidavit of himself, agent, or employé, which shall consist of a brief statement of his contract or demand, what he is to do, within what time, when and what amount he is to be paid therefor; or, if done, what done, between what dates, and the balance due after allowing all credits, and the character thereof, and when the same became due, and a substantially correct description of the lot, lots, or tract of land. An itemized account shall not be necessary, except for extras, where the sub-contract is for all of a specific part of the work, or for all of the materials of a certain class, where the amount to be paid therefor was a fixed and agreed sum.

§ 27. The claim of any person for mechanical or other labor, under section twenty-two (22) of this act, to the extent of two weeks' wages, shall be a preferred lien for twenty days from the last day's work performed by such person, to an amount equal to ten per cent. of the proportionate value of the contract completed up to the date of said last day's work: *Provided*, such notice is served within twenty days from the date when such last day's work was performed by such person, and the owner or his agent may retain for said twenty days such ten per cent. out of any money due or to become due the contractor: *And provided, further*, this ten per cent. shall not be construed as in addition to any per cent. that may be held back in pursuance of the terms of the contract between the owner and the contractor.

§ 28. When the owner, or his agent, is notified as provided in this act, he shall retain from any money due or to become due the contractor an amount sufficient to pay all demands that are or will become due such sub-contractor, tradesman, material-man, mechanic or workman, of whose claim he is notified, and shall pay over the same to the persons entitled thereto, as the same becomes due. Such payment shall be as follows:

First. All claims for mechanical or other labor to the extent of two weeks' wages, of which notice has been served as provided in the preceding section, shall be paid in full. If the money due and to become due the contractor, including the ten per cent. in said section provided, is not sufficient to pay such claims in full, he shall pay them pro rata, in proportion to the amounts thereof, respectively, at the time of such payment.

Second. The claims of the laborers above named for the balance due in excess of two week's wages, and of other laborers, tradesmen, material-men and sub-contractors who are entitled to liens, pro rata in proportion to the amount due them respectively.

All payments made as directed shall, as between such owner and contractor, be considered the same as if paid to such contractor. Any payment made by the owner to the contractor after



such notice, without retaining sufficient money to pay such claims, shall be considered illegal, and made in violation of the rights of the sub-contractors, and the rights of such sub-contractors to a lien shall not be affected thereby, but the owner shall not be held liable to any sub-contractor or other person whose name is omitted from the statement provided for in section five (5) of this act, nor for any larger amount than the sum herein named as due such person, provided such omission is not made with the knowledge or collusion of the owner, unless previous thereto or to his payment to his contractor, he shall be notified as herein provided by such persons of their claim, and the true amount thereof.

Third. The balance, if any, to the contractor.

§ 29. If the money due to the sub-contractor shall not be paid within ten days after his notice is served, as provided in sections twenty-five (25) and twenty-seven (27) or within ten days after his claim for lien is filed, as provided in section twenty-six (26), or on the date the same is shown to be due by the contractor's statement made, as provided in section five (5), and any money shall then be due from such owner to the contractor, then such person may either file his petition and enforce his lien as heretofore provided for the contractor in sections nine (9) to twenty-one (21), inclusive, of this act, except as to the time within which suit shall be brought, or he may sue the owner or contractor jointly for the amount due him, in any court having jurisdiction of the amount claimed to be due, and a personal judgment may be rendered therein, as in other cases. In such actions at law, as in suits to enforce the lien, the owner shall be liable to the complainant for no more than the pro rata share that such person would be entitled to with other sub-contractors out of the funds due to the contractor from the owner under the contract between them, and such actions at law shall be maintained against the owner only in case the complainant establishes his right to the lien. All suits and actions by sub-contractors shall be against both contractor and owner jointly, and no decree or judgment shall be rendered herein until both are duly brought before the court by process or publication. All such judgments, where the lien is established, shall be against both jointly, but shall be enforced against the owner only to the extent that he is liable under his contract as by this act provided, and shall recite the date from which the lien thereof attached according to the provisions of sections one (1) and twenty-two (22) of this act, but this shall not preclude a judgment against the contractor, personally, where the lien is defeated.

§ 30. If the execution issued on a judgment obtained before a justice of the peace shall be returned not satisfied, a transcript of such judgment may be taken to the circuit court and spread upon the records thereof, and execution issued thereon as in other cases, except that the lien of the same shall be preserved as a preferred lien on the property improved from the date recited in

the judgment and enforced thereon the same as if a decree had been rendered by the circuit court in a suit to enforce such lien under the provisions of this act.

§ 31. If there are several liens under section twenty-two (22) upon the same premises, and the owner or any person having such a lien shall fear that there is not a sufficient amount coming to the contractor to pay all of such liens, such owner or any one or more persons having such lien may file his or their sworn bill or petition in the circuit court of the proper county, stating such fact and such other facts as may be sufficient to a full understanding of the rights of the parties. The contractor and all persons having liens upon, or who are interested in the premises so far as the same are known to or can be ascertained by the claimant or petitioner, upon diligent inquiry, shall be made parties. Upon the hearing, the court shall find the amount coming from the owner to the contractor, and the amount due to each of the persons having liens, and in case the amount found to be coming to the contractor shall be insufficient to discharge all the liens in full, the amount so found in favor of the contractor, shall be divided between the persons entitled to such liens pro rata in proportion to the amounts so found to be due them respectively. If the amount so found to be coming to the contractor shall be sufficient to pay the liens in full, the same shall be so ordered. The premises may be sold as in other cases under this act. The parties to such suit shall prosecute the same under like requirements as are directed in section eleven (11) of this act, and all persons who shall be duly notified of such proceedings, and who shall fail to prove their claims, whether the same be in judgment against the owner or not, shall forever lose the benefit of and be precluded from their liens and all claims against the owner. Upon the filing of such bill or petition, the court may, on the motion of any person interested, and shall, upon final decree, stay further proceedings upon any judgment against the owner on account of such liens.

§ 32. Should the contractor, for any cause, fail to complete his contract, any person entitled to a lien as aforesaid may file his petition in any court of record against the owner and contractor, setting forth the nature of his claim, the amount due, as near as may be, and the names of the parties employed on such house or other improvement subject to liens, and a notice of such suit shall be served on the persons therein named, and such as shall appear shall have their claims adjudicated, and decree shall be entered against the owner and contractor for so much as the work and materials shall be shown to be reasonably worth, according to the original contract price, first deducting so much as shall have been rightfully paid on said original contract by the owner, and damages, if any, that may be occasioned the owner by reason of the non-fulfillment of the original contract; the balance to be divided between such claimants in proportion to their respective interests to be ascertained by the court. The premises may be sold as in

other cases under this act. The parties to such suit shall prosecute the same under like requirements as are directed in section eleven (11) of this act.

§ 33. No payments to the contractor or to his order shall be regarded as rightfully made as against the sub-contractor, or party furnishing materials, if made by the owner without exercising or enforcing the rights and powers conferred upon him in sections five (5) and twenty-three (23) of this act.

§ 34. No petition shall be filed or suit commenced to enforce the lien created by sections twenty-two (22) and twenty-three (23), unless the same is commenced within four months after the time that the final payment is shown to be due the sub-contractor or party furnishing material by the statement of the contractor, made as provided for in section five (5); or of the sub-contractor, made as provided for in section twenty-three (23) or by the notice, served or given as provided for in sections twenty-five (25) and twenty-six (26): *Provided*, if any delay in filing such petition or commencing suit is caused in consequence of the final payment not being due the contractor, the time of such delay shall not be reckoned.

§ 35. Upon the written demand of the owner, lienor, or any person interested in the real estate, or their agent or attorney, served on the person claiming the lien, or his agent or attorney, requiring suit to be commenced to enforce the lien, suit shall be commenced within thirty days thereafter or the lien shall be forfeited, and the same released, if a claim for lien has been filed with the clerk of the circuit court.

§ 36. Whenever a claim for lien has been filed with the clerk of the circuit court, either by the contractor or the sub-contractor, and is afterward paid, with cost of filing same, or where there is a failure to institute suit to enforce the same after demand, as provided in the preceding section, within the time by this act limited, the person filing the same, or some one by him duly authorized in writing to do so, shall acknowledge satisfaction or release thereof in the proper book in such office, in writing, on written demand of the owner, and on neglect to do so for ten days after the claim has been paid or the time has expired to bring suit thereon, he shall forfeit to the owner the sum of twenty-five dollars (\$25.00), which may be recovered in an action of debt before a justice of the peace.

§ 37. Any owner, contractor, sub-contractor or other person who shall purchase materials on credit, and represent at the time of purchase that the same are to be used in a designated building, or buildings or other improvement, and shall thereafter sell, use, or cause to be used, the said materials, in the construction of, or remove the same to any building or improvement other than that designated, or dispose of the same for any purpose, without the written consent of the person of whom the materials were purchased, with intent to defraud such person, shall be deemed guilty

of a misdemeanor and on conviction shall be punished by a fine not exceeding five hundred dollars (\$500.00), or confined in the county jail not exceeding one year, or both so fined and imprisoned.

§ 38. Any architect, contractor, sub-contractor, material-man, or other person furnishing services, labor or material for the purpose of or in constructing, building, altering, repairing or ornamenting a boat, barge or other water craft, shall have a lien on such boat, barge or other water craft for the value of such services, labor or material in the same manner as is in this act provided for services, labor or material furnished by such parties for the purpose of building, altering, repairing or ornamenting a house. And such lien may be established and enforced in the same manner as like liens are established and enforced under this act, and the parties shall be held to the same obligations, duties and liabilities as in the case of a contract for building, altering, repairing or ornamenting a house.

§ 39. The clerk of the circuit court shall endorse on the statement filed pursuant to the provisions of sections one (1) and six (6), the date of filing, and note in a book kept for that purpose and properly indexed the names of the contractor filing the statement, of the persons contracted with, the date of filing, a description of the property charged with the lien, the amount claimed and the date for final payment, for which the person filing the statement shall pay one dollar (\$1.00) to the clerk. When claims for lien are filed pursuant to the provisions of sections seven (7) and twenty-six (26) the clerk of the circuit court shall endorse thereon the date of filing, and make an abstract thereof in a book kept for that purpose and properly indexed, containing the name of the person filing the lien, the amount of the lien, the date of filing, the name of the persons against whom the lien is filed, and a description of the property charged with the lien, for which the person filing the lien shall pay one dollar to the clerk.

§ 40. Sections one to forty-seven inclusive of an act entitled "An act to revise the law in relation to liens," approved March 25, 1874, and an act entitled "An act to amend section twenty-eight of an act entitled 'An act to revise the law in relation to liens,' approved March 25, 1874," approved May 24, 1879, and an act entitled "An act to amend sections four and twenty-eight, and add sections fifty-two, fifty-three and fifty-four to 'An act to revise the law relating to liens,' in force July 1, 1874," approved May 31, 1887, and an act entitled "An act to amend sections twenty-nine, thirty and thirty-five, and to repeal sections thirty-six, forty-two, forty-three and forty-four of an act entitled 'An act to revise the law in relation to liens,' approved March 25, 1874," in force July 1, 1874, approved June 16, 1887, and an act entitled "An act to amend sections eleven, thirty-three, thirty-four and thirty-five of 'An act to revise the law in relation to liens,' approved March 25, 1874, in force July 1, 1874, as amended by an act approved June 16, 1887, and in force July 1, 1887," approved June 22, 1891, and all other acts and parts of acts inconsistent with this act are hereby repealed, except



as herein re-enacted: *Provided*, That this section shall not be so construed as to affect any rights existing or actions pending at the time this act shall take effect.

§ 41. This act is and shall be construed as a remedial act, and shall take effect and be in force from and after its passage.

APPROVED June 26, 1895.

#### MINERS' LIENS.

§ 1. Applies mechanics' lien act to miners.

AN ACT to protect laborers and miners for labor performed in developing and working in coal mines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every laborer or miner who shall perform labor in opening and developing any coal mine, including sinking shafts, constructing slopes, or drifts, mining coal and the like, shall have a lien upon all the property of the person, firm or corporation owning, constructing or operating such mine, used in the construction or operation thereof, including real estate, buildings, engines, cars, mules, scales and all other personal property, for the value of such labor for the full amount thereof, upon the same terms, with the same rights and to be secured and enforced as mechanics' liens are secured and enforced.

APPROVED June 21, 1895.

#### WAGES OF EMPLOYEES.

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| <p>§ 1. Amends section 1 of the act of 1887, by eliminating provisions regarding seizure of property, and limitation of amount of claim preferred, and adds two new sections as follows:</p> | <p>§ 2. Statement of claim.</p> <p>§ 3. Claim—When paid.</p> |
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AN ACT to amend an act entitled, "An act to protect employes and laborers in their claims for wages." Approved June 15, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to protect employes and laborers in their claims for wages, approved June 15, 1887, in force July 1, 1887," be and the same is amended so as to read as follows: That hereafter, when the business of any person, corporation, company or firm shall be suspended by the action of creditors, or be put into the hands of a receiver or trustee, then in all such cases the debts owing to laborers or servants which have accrued by reason of their labor or employment, shall be considered and treated as preferred claims, and such laborers or employes shall be preferred creditors, and shall be first paid in full, and if there be not sufficient to

pay them in full the same shall be paid from the proceeds of the sale of the property seized: *Provided*, that any person interested may contest any such claim or claims, or any part thereof, by filing exceptions thereto, supported by affidavit, with the officer having the custody of such property, and thereupon the claimant shall be required to reduce his claim to judgment before some court having jurisdiction thereof before any part thereof shall be paid.

§ 2. Any such laborer or servant desiring to enforce his or her claim for wages under this act, shall present a statement under oath showing the amount due, the kind of work for which such wages are due, and when performed, to the officer, person or court charged with such property, within ten (10) days after the seizure thereof on any execution or writ of attachment, or within thirty (30) days after the same may have been placed in the hands of any receiver or trustee, and thereupon it shall be the duty of the person or court receiving such statement to pay the amount of such claim or claims to the person or persons entitled thereto.

§ 3. No claims made under this act shall be paid until after the expiration of the time in which to present such claims. And if the funds realized on the property seized be insufficient to pay the total claims presented, then such funds shall be prorated on such claims.

APPROVED June 21, 1895.

## LUNATICS, IDIOTS, DRUNKARDS AND SPENDTHRIFTS.

### APPOINTMENTS OF CONSERVATOR.

§ 1. Amends the act of 1874 as follows:

Proceedings for conservator — Applies the provisions of the act of June 21, 1893.

§ 2. Appointment of conservator—Transcript of record to probate court in certain cases.

*AN ACT to amend sections one and two of an act entitled "An act to revise the law in relation to idiots, lunatics, drunkards and spendthrifts," approved March 26, 1874, in force July 1, 1874.*

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one and two of an act entitled "An act to revise the law in relation to idiots, lunatics, drunkards and spendthrifts," approved March 26, 1874, in force July 1, 1874, be and the same are hereby amended to read, respectively, as follows, to-wit:*

SECTION 1. When any person having any estate, real or personal, shall be, or be supposed to be, an idiot or an insane or distracted person who, by reason of unsoundness of mind, is incapable of managing and caring for his own estate, or when any person having any estate shall be, or be supposed to be, a drunkard or

spendthrift who is alleged so to spend, waste or lessen his estate as to expose himself or his family to want or suffering, or any county, town, or incorporated city, or village to any charge or expense for the support of himself or his family, the county court of the county wherein such person resides shall, on the proper application of any reputable citizen of such county, proceed in conformity, as near as may be, to the provisions of an act entitled "An act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain acts therein named," approved June 21, 1893, in force July 1, 1893, to ascertain whether such person be an idiot or an insane or distracted person who, by reason of unsoundness of mind, is incapable of managing and caring for his own estate, a drunkard or spendthrift as aforesaid.

§ 2. If on application, as provided in section one of this act, any person be found an idiot, insane person, distracted person, drunkard or spendthrift, and by reason of such condition, incapable of managing and caring for his own estate, it shall be the duty of the court to appoint a conservator for such person: *Provided*, that in any county wherein a probate court is or hereafter may be established, the county court shall, on finding as aforesaid, order transmitted to the probate court of such county a duly certified copy of the record of the verdict of the jury or the report of the commission of physicians, and the judgment of the court thereon finding such person an idiot, insane person, distracted person, drunkard or spendthrift, and by reason of such condition incapable of managing and caring for his own estate, and the probate court, upon the filing therein of the proper petition, together with the certified copy of the record aforesaid may, in its discretion, without further inquest by jury or commission of physicians, appoint a conservator for such person.

APPROVED June 17, 1895.

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#### FINAL SETTLEMENT BY CONSERVATORS.

§ 1. Amend section 1 of the act of 1874, by adding provisions empowering conservator to settle and distribute estate of deceased ward.

*AN ACT to amend section nine (9) of chapter eighty-six (86) of an act entitled "An act to revise the law in relation to idiots, lunatics, drunkards and spendthrifts," approved March 26, 1874, in force July 1, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

SECTION 9. Such conservator shall, at the expiration of his trust, pay and deliver to those entitled thereto all the money, estate and title papers in his hands as conservator, or with which he is chargeable as such, in such manner as shall be directed by the

order or decree of any court having jurisdiction thereof. Whenever any lunatic, idiot, drunkard or spendthrift shall die, seized or possessed of any real or personal estate, then such conservator shall have full power and authority under the letters issued to him or her to make final settlement and distribution of the estate of said deceased ward without further letters of administration, in such time and manner as is required by law of administrators of the estate of deceased persons: *Provided*, this shall not apply to non-residents conservators.

APPROVED June 7, 1895.

## MEDICINE AND SURGERY.

### PHARMACY.

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| <p>§ 1. Amends the amended act of 1881, as follows:</p> <p>§ 2. None but registered pharmacists to conduct pharmacy, dispensary, drug store, apothecary shop, etc.—Penalty.</p> <p>§ 3. None but registered pharmacist to compound or retail drugs, etc.</p> <p>§ 4. Term drug store or pharmacy defined.</p> <p>§ 5. Registered pharmacists by examination.</p> <p>§ 6. Registered pharmacists on time service.</p> <p>§ 7. Assistant pharmacist.</p> <p>§ 8. State board of pharmacy may issue permits to certain persons.</p> <p>§ 9. Apprentices.</p> | <p>§ 10. Annual registration—Fee—Certificate.</p> <p>§ 11. State board of pharmacy—Appointment.</p> <p>§ 12. Organization—duties of officers—Meetings.</p> <p>§ 13. Secretary of board—Salaries and expenses.</p> <p>§ 14. Package containing drugs and medicine—Label—Penalty.</p> <p>§ 15. False representation to procure registration—Penalty.</p> <p>§ 16. Adulteration, alteration, or substitution of drugs, etc.—Penalty.</p> <p>§ 17. Suits for penalties.</p> |
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AN ACT to amend an act entitled "*An act to regulate the practice of pharmacy in the State of Illinois*," approved May 30, 1881, as amended by act approved June 4, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "*An act to regulate the practice of pharmacy in the State of Illinois*," approved May 30, 1881, in force July 1, 1881, as amended by act approved June 4, 1889, in force July 1, 1889, be amended to read as follows:

§ 2. That it shall be unlawful for any person not a registered pharmacist within the meaning of this act, to open or conduct any pharmacy, dispensary, drug store, apothecary shop or store, for the purpose of retailing, compounding or dispensing drugs, medicines, or poisons, and any person violating the provisions of this section shall be liable to a penalty of not less than twenty nor more than one hundred dollars for every such violation: *Provided, however*, that nothing in this act shall prevent any person



or persons owning a drug store or pharmacy who shall employ and place in active and personal charge of the same, a registered pharmacist, and that nothing herein contained shall apply to nor in any manner interfere with the practice of any physician, or prevent him from supplying to his patients such articles as may seem to him proper; nor with the exclusively wholesale business of any wholesale druggist; nor with the sale of patent and proprietary medicines and domestic remedies by retail dealers in localities as hereinafter provided.

§ 3. That it shall be unlawful for the proprietor of any drug store or pharmacy to allow any person in his employ, except a registered pharmacist or registered assistant pharmacist, to compound, recommend, dispense or sell at retail, drugs, medicines or poisons, or except an apprentice under the immediate supervision of a registered pharmacist, as hereinafter provided. Any person violating the provisions of this section shall be liable to a fine of not less than ten nor more than fifty dollars for each and every such offense.

§ 4. The term drug store or pharmacy shall for all purposes of this act be construed to mean a store, shop or other place of business where drugs, medicines or poisons are compounded, dispensed or sold at retail.

§ 5. Registered pharmacists by examination must be persons not less than twenty-one years of age, who have had four years practical experience in compounding drugs in drug stores where the prescriptions of medical practitioners are compounded, or physicians holding certificates from the State Board of Health, who have filled their own prescriptions during four years practice in Illinois, and have passed a satisfactory theoretical and practical examination before the State Board of Pharmacy hereinafter mentioned. The said board may, in their discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *Provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars: *Provided*, that in case of failure of any applicant to pass a satisfactory examination, this fee shall be refunded.

§ 6. Registered pharmacists on time service must be persons not less than twenty-one years of age, who shall furnish satisfactory evidence to the State Board of Pharmacy that they have had five years practical experience in compounding drugs in a drug store or pharmacy where the prescriptions of medical practitioners are compounded. The said board shall have the right to refuse registration to applicants whose credentials are not satisfactory evidence of their competency. Each applicant for registration under this section shall pay to the secretary of said board the sum of five dollars before receiving his certificate of registration. Said certificate shall be operative in and apply to the town, place or locality for which granted and no other.

§ 7. Any person shall be entitled to registration as an assistant pharmacist who is of the age of eighteen years, of good moral character, temperate habits, and has had three years' service under a registered pharmacist, and the time of attendance at any respectable school of pharmacy shall be accredited on the above time, or shall pass an examination before the State Board of Pharmacy that shall show competency or qualifications equal to such service. Each applicant for registration as assistant pharmacist shall pay to the said board the sum of five dollars before receiving his certificate of registration. Said board shall have the right to refuse registration to applicants whose examination or credentials are not satisfactory evidence of their competency, and in case of failure to pass the required examination, this fee shall be refunded. Any assistant pharmacist shall have the right to act as clerk or salesman in a drug store or pharmacy during the temporary absence of the owner or manager thereof.

§ 8. The board of pharmacy may, in their discretion, issue permits to persons, firms or corporations engaged in business in villages or other localities, empowering them to sell the usual domestic remedies and proprietary medicines under such restrictions as the board of pharmacy may deem proper. Each applicant for this permit shall pay to the said board the sum of one dollar before said permit shall issue. Said permit shall specifically state just what the holder thereof is allowed to sell.

§ 9. It shall be the duty of registered pharmacists who take into their employ an apprentice for the purpose of becoming a pharmacist, to report to the board such facts regarding his schooling and preliminary qualifications as the board may require for the purpose of registration. The board shall furnish proper blanks for this purpose and issue a certificate of registration (without cost) as a registered apprentice.

§ 10. Every registered pharmacist, who desires to continue the practice of his profession, shall annually thereafter, during the time he shall continue in such service, on such dates as the Board of Pharmacy may determine, of which date he shall have thirty days' notice by said board, pay to the secretary of the board a registration fee, to be fixed by the board, but which shall in no case exceed \$1.50 for which he shall receive a renewal of said registration. The failure of any registered pharmacist to pay said fee shall not deprive him of his right to renewal upon payment thereof; nor shall his retirement from the profession deprive him of the right to renew his registration should he within five years thereafter wish to resume the practice, upon the payment of said fees. Registered assistants upon receiving notice as aforesaid, shall, if they desire to renew their registration, pay to the secretary of said board an annual fee of one dollar: *Provided, however,* that the Board of Pharmacy may refuse registration, or may suspend the certificates of registered pharmacists, or assistant pharmacists, who are proven to be so addicted to the excessive use of stimulants or narcotics as to render them unsafe to handle

or sell drugs, medicines and poisons. The holders of permits shall pay the sum of one-half dollar annually for the renewal of said permit. Every certificate of registration granted under this act shall be conspicuously exposed in the pharmacy to which it applies, and the name of the registered pharmacist who conducts the drug store or pharmacy shall be conspicuously displayed over the door or department. Any person violating the provisions of this section shall be liable, upon conviction thereof, to pay a penalty of not less than twenty dollars nor more than fifty dollars.

§ 11. The Governor, with the advice and consent of the Senate, shall appoint five persons from among such competent registered pharmacists in the State as have had ten years' practical experience in the dispensing of physicians' prescriptions, and who are actively engaged in the practice of their profession, who shall constitute the Board of Pharmacy. The persons so appointed shall hold their offices for five years: *Provided*, that the terms of the office shall be so arranged that the term of one shall expire on the thirtieth day of December of each year, and the vacancies so created, as well as all vacancies otherwise occurring, shall be filled by the Governor, with the advice and consent of the Senate: *And, provided, also*, that the appointments made when the Senate is not in session may be confirmed at its next ensuing session. The Illinois Pharmaceutical Association shall annually report directly to the Governor, recommending the names of at least three persons whom said association shall deem best qualified to fill any vacancies which shall occur in said board.

§ 12. The said board shall, within thirty days after its appointment, meet and organize by electing a president from among their members, and a secretary, who shall not be a member of said board. The board shall also elect a treasurer, who is a member of the board. Said board shall prescribe the duties and compensation of such treasurer, and shall require the said treasurer to give such bond as the said board shall direct. The secretary shall pay over to the treasurer all moneys that shall come into his hands as secretary. It shall be the duty of the board to examine all applications for registration submitted in proper form, to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act, to cause the prosecution of all persons violating its provisions; to report annually to the Governor and to the Illinois Pharmaceutical Association upon the condition of pharmacy in this State, which said report shall also furnish a record of the proceedings of the said board for the year, and also the names of all the pharmacists duly registered under this act. The board shall hold meetings for the examination of applicants for registration and the transaction of such other business as shall pertain to its duties, at least once in six months: *Provided*, that said board shall hold meetings at least once in every year in the city of Chicago and in the city of Springfield, and it shall give thirty days' public notice of the time and place of such meeting, shall have the power to make by-laws for the



proper fulfillment of its duties under this act, and shall keep a book of registration, in which shall be entered the names, places of business of all persons registered and holding permits under this act, which book shall also specify such facts as said persons shall claim to justify their registration. Three members of said board shall constitute a quorum.

§ 13. The secretary of the board shall receive a salary which shall be fixed by the board, and which shall not exceed the sum of two thousand dollars (\$2,000) per year; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The members of the board shall receive the sum of \$5 for each day actually engaged in this service and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other expenses above provided for shall be held by the treasurer as a special fund for meeting the expenses of said board, and the cost of an annual report of the proceedings of the Illinois Pharmaceutical Association and the necessary expenses of said association. The board shall make an annual report to the Governor and to the Illinois Pharmaceutical Association of all moneys received and disbursed by them pursuant to this act.

§ 14. No person shall sell at retail any drug, medicine or poison without affixing to the box, bottle, vessel or package containing the same a label bearing the name of the article distinctly shown with the name and place of business of the registered pharmacist from whom the article was obtained: *Provided*, that nothing herein contained shall apply to the dispensing of physicians' prescriptions. Any person failing to comply with the requirements of this section shall be liable to a penalty of five dollars for each and every such offense.

§ 15. Any person who shall willfully make any false representation to procure registration for himself or any other person shall for each and every such offense be liable to a penalty of fifty dollars.

§ 16. No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value or medicinal effect or which shall alter the nature or composition of such drug, medicine, chemical or pharmaceutical preparation so that it will not correspond to the recognized tests of identity or purity. Any person who shall thus willfully adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale any such adulterated or altered drug, medicine, chemical or pharmaceutical preparation, or any person who shall substitute, or cause to be substituted, one material for another, with intention to defraud or



deceive the purchaser, shall be guilty of a misdemeanor, and be liable to prosecution under this act. If convicted he shall be liable to all the costs of the action and all the expenses incurred by the Board of Pharmacy in connection therewith, and for the first offense be liable to a fine of not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense a fine of not less than seventy-five nor more than one hundred and fifty dollars. On complaint being entered, the Board of Pharmacy is hereby empowered to employ an analyst or chemist expert, whose duty it shall be to examine into the so-called adulteration, substitution or alteration, and report upon the result of his investigation, and if said report justify such action, the board shall duly cause the prosecution of the offender, as provided in this law.

§ 17. All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of the "People of the State of Illinois" in any court having jurisdiction, and it shall be the duty of the State's Attorney of the county where such offense is committed to prosecute all persons violating the provisions of this act upon proper complaint being made. All penalties collected under the provisions of this act shall inure to the Board of Pharmacy.

This bill, having remained with the Governor for a period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 27th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

## MINERS.

### EXAMINATION OF FIRE BOSSES AND HOISTING ENGINEERS.

§ 1. Hoisting engineers and fire bosses—Certificate of qualification.

§ 2. Examination.

§ 3. Qualifications—Registration—Fees.

§ 4. No one to be employed in the above capacities after July 1, 1896, without certificate—Remedy—Damages.

*AN ACT to provide for the examinations of fire bosses and hoisting engineers at all coal mines in this State, where such services are necessary, and to regulate their employment.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to secure the health and safety of persons employed in coal mines, that it shall be unlawful, after one year from date of this act going into effect, for any one to assume or attempt to discharge the duties of hoisting engineer or fire boss at any coal mine in this State, where the service of hoisting engineer or fire boss is necessary, unless he shall hold such a certificate as to his qualification for that position as may be required by this act, from the State Board of Mine Examiners.

§ 2. The certificates, provided for in the first section of this act, may be either certificates of competency or certificates of service, and any person may acquire such certificate by appearing

before the State Board of Examiners, appointed by the commissioners of labor for the examination and inspection of mines, and submitting to such an examination as to his competency or length of service as may be prescribed by this act and the said examiners.

a. Certificates of qualification or competency shall be conferred on any citizen of the United States who shall submit to and satisfactorily pass such an examination as to his fitness for the duties and responsibilities of hoisting engineers and fire bosses as the Board of Mine Examiners shall provide, and certificates of service shall be conferred on any citizen of the United States who shall present satisfactory evidence of having had at least four (4) years' practical experience as such fire boss or hoisting engineer, and of having served as such fire boss or hoisting engineer continuously and satisfactorily for the same person or firm for one (1) year next preceding the passage of this act, but the holder of such certificate shall not be eligible to employment by any other person or firm until he shall also have obtained a certificate of competency upon examination. Before certificates are issued to any one under this act, it will be necessary for the applicants for such certificates to file with the Board of Examiners certificates of good moral character, signed by at least ten (10) reputable citizens in the community where the applicant resides.

b. The certificates herein provided for shall be issued by the State Board of Examiners and be registered in the office of the commissioners of labor, at the capitol, where a record of all certificates issued shall be kept. Such certificates shall contain the full name, age and place of birth of the recipient, and also the length of his previous service as such fire boss or hoisting engineer.

c. All applicants for the certificates herein provided for shall, before being examined, pay to the Board of Examiners the sum of one dollar each, and those who receive certificates shall pay an additional sum of two dollars each, all of which fees shall be accounted for and covered into the State treasury.

§ 4. After July 1, 1896, no owner, operator or agent of any coal mine in this State where hoisting engineers are required to hoist coal or men out of the mine, or where fire or explosive gas generates, where the employment of a fire boss is necessary to examine the mine as to whether or not it is safe for men to enter and pursue their calling without danger from explosive gas, shall not employ any person whatever as hoisting engineer or fire boss unless they have a certificate of competency or service herein provided for. And if any accident shall occur at or in any mine where a hoisting engineer or fire boss is employed who has no certificate of competency or service as required by this act, by which any person shall be killed or injured, he, or his heirs, shall have right of action against such operator, owner or agent, and shall recover the full value of damages sustained.

APPROVED June 21, 1895.

## MINE INSPECTION DISTRICTS AND INSPECTORS.

§1. Amends section 11 of the amended act of 1879, by increasing the number of inspection districts and inspectors from five to seven, adds provisions as to inspection fees, duties of inspectors, etc., and repeals section 2 of the act of June 18, 1891.

*AN ACT to amend section eleven (11) of an act entitled, "An act providing for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879, as amended by an act approved June 18, 1883, and an act approved June 30, 1885, and to repeal section two (2) of an act entitled, "An act to require inspectors of mines to furnish information to the State Geologist and to provide for paying the expenses of the same," approved June 18, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section eleven (11) of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879, as amended by an act approved June 18, 1883, and an act approved June 30, 1885, and now in force as so amended, be and the same is hereby amended so as to read as follows:*

§ 11a. This State shall be divided into seven inspection districts, as follows: The first district shall be composed of the counties of Boone, McHenry, Lake, DeKalb, Kane, DuPage, Cook, LaSalle, Kendall, Grundy, Will, Livingston and Kankakee. The second district, the counties of Jo Daviess, Stephenson, Winnebago, Carroll, Ogle, Whiteside, Lee, Rock Island, Henry, Bureau, Mercer, Stark, Putnam, Marshall, Peoria and Woodford. The third district, the counties of Henderson, Warren, Knox, Hancock, McDonough, Schuyler, Fulton, Adams and Brown. The fourth district, the counties of Tazewell, McLean, Ford, Iroquois, Vermilion, Champagne, Piatt, DeWitt, Macon, Logan, Menard, Mason and Cass. The fifth district, the counties of Pike, Scott, Morgan, Sangamon, Christian, Shelby, Moultrie, Douglas, Coles, Cumberland, Clark, Edgar, Montgomery, Macoupin, Greene, Jersey and Calhoun. The sixth district, the counties of Monroe, St. Clair, Madison, Bond, Clinton, Fayette, Marion, Effingham, Clay, Jasper, Richland, Crawford and Lawrence. The seventh district, the counties of Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Johnson, Massac, Union, Alexander and Pulaski.

b. The Governor shall upon the recommendation of a board of examiners selected for that purpose, composed of two practical coal miners, two coal operators, and one mining engineer, to be appointed by the Bureau of Labor Statistics of this State, all of whom shall be sworn to a faithful discharge of their duties, appoint seven properly qualified persons to fill the offices of inspectors of coal mines of this State (being one inspector for each district provided for in this act), whose commissions shall

be for the term of two years, but they shall at all times be subject to removal from office for neglect of duty or malfeasance in the discharge of duty, as hereinafter provided for.

c. The inspectors so appointed shall have attained the age of thirty years, be citizens of this State, and have a knowledge of mining engineering sufficient to conduct the development of coal mines, and a practical knowledge of the methods of conducting mining for coal in the presence of explosive gases, and of the proper ventilation of coal mines. They shall have had a practical mining experience of ten years, and shall not be interested as owner, operator, stockholder, superintendent or mining engineer of any coal mine during their term of office, and shall be of good moral character and temperate habits, and shall not be guilty of any act tending to the injury of miners or operators of mines during their term of office. They shall provide themselves with the most approved modern instruments for carrying out the intention of this act. The inspectors, before assuming the duties of their several offices, shall take an oath of office, as provided for by the Constitution, and shall be required to enter into a bond to the State in the sum of five thousand dollars (\$5,000) with sureties to be approved by the Governor, conditioned upon the faithful performance of their duties in every particular, as required by this act, said bond, with the approval of the Governor endorsed thereon, together with the oath of office shall be deposited with the Secretary of State.

d. Any person, company or corporation operating any coal mine in this State shall be required to pay an inspection fee of not less than six dollars nor more than ten dollars for each visit of inspection or investigation of a coal mine by a State Mine Inspector, such fee to be regulated by the class of the mine, which shall be fixed by the inspector and depend upon the length of time consumed, and the expense necessarily incurred in the inspection of such mine, and such fees shall be paid quarterly by the person, company or corporation operating the mine inspected to the secretary of the Bureau of Labor Statistics and by him covered into the State treasury, to be held as a fund for the payment of salaries of State Mine Inspectors, as herein provided. It shall be the duty of each inspector, as often as he may deem necessary and proper, and at least four times a year, to inspect each and every mine in his inspection district. Each inspection shall be certified to by the pit committee and mine manager of said mine. It shall be the duty of each inspector to keep a detailed record of all inspections and of all fees for such inspections, and he shall file a copy of the same with the secretary of the State Bureau of Labor Statistics quarterly, between the first and fifteenth days of the following months: October, January, April and July, which reports shall be published annually as a part of the regular report of the State Bureau of Labor Statistics. The inspectors provided for in this act shall receive as full compensation for their services the sum of eighteen hundred dollars



each per annum, to be paid quarterly out of such fund in the state treasury as may be received for inspection fees: *Provided, however,* that in the event of such fees being inadequate to compensate the inspectors in the amount provided herein, the deficiency in the salaries shall be paid out of any moneys in the State treasury not otherwise appropriated. The mine inspector shall be required to post up in some conspicuous place, at the top of each mine visited and inspected by him, a plain statement of the condition of said mine, showing what, in his judgment, is necessary for the better protection of the lives and health of persons employed in said mine; such statement shall give the date of inspection and the number of hours spent in the inspection, also the date of the latest previous inspection, and shall be signed by the inspector and the check weighman, and, if there be no check weighman employed by the miners, then said statement shall be signed by the weighman at the mine: *Provided,* that county boards may appoint an assistant county inspector in counties producing eight hundred thousand tons of coal or more per annum, upon the written request of the district mine inspector, who shall act under the direction of the district inspector and shall receive not less than three dollars nor more than five dollars per day for time actually employed, to be paid out of the county treasury; such assistant inspector shall be one who has received a mine manager's certificate for [from] the Board of Mine Examiners of this State.

e. It shall be unlawful for any person, company or corporation to operate any coal mine in this State without first having complied with all the conditions and sanitary regulations required under existing laws and paying all inspection fees provided for in this section; and in case of the refusal of any person, company, corporation, owner, agent or operator to pay said inspection fees, after assuming to operate a coal mine, it shall be the duty of the mine inspector in said district, through the State's Attorney of the county, or any other attorney, in case of his refusal promptly to act, to proceed on behalf of the State against said person, company, corporation, owner, agent or operator of said mine, by injunction, without bond, to restrain said person, company, corporation, owner, agent or operator from continuing or attempting to continue to operate said mine or carry on a mining business.

f. Section 2 of an act entitled "An act to require inspectors of mines to furnish information to State geologists, and to provide for paying the expenses of the same," approved June 18, 1891, be and the same is hereby repealed.

APPROVED June 15, 1895.

## MINE INSPECTORS TO BE INSPECTORS OF WEIGHTS AND MEASURES.

§ 1. Mine inspectors to be ex-officio inspectors of weights and measures.

§ 2. Obstruction by mine owner or operator—Penalty.

*AN ACT to make mine inspectors, inspectors of weights and measures at coal mines.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That mine inspectors in this State shall be ex-officio inspectors of weights and measures of scales used to weigh coal in their respective districts in this State, and they are hereby empowered to, and it shall be their duty to test the scales in such district used to weigh coal mined in coal mines or sold, at least once every six months, to ascertain whether such scales correctly measure the weight of such coal, and if they find any defects or irregularities in such scales which prevent correct measurements of weights, they shall call attention of the mine owner, agent or operator to the same, and direct the same to be at once properly adjusted and corrected.

§ 2. If the owner, agent or operator of any coal mine shall refuse to allow such inspectors to properly test the scales used at such mines, or shall fail or refuse to put such scales into proper condition to correctly weigh coal, upon being notified so to do by the inspector of his district, such owner, agent or operator shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding five hundred (500) dollars, or confined in the county jail not exceeding six months, or both, in the discretion of the court. And it shall be the duty of the State's Attorneys in their respective counties to prosecute any person violating the provisions of this act, the same as in other cases of misdemeanor.

APPROVED June 4, 1895.

## QUALIFICATIONS OF MINE MANAGERS.

§ 1. Amends section 4 of the act of 1891, by requiring of applicants five years actual practical experience as coal miners.—Repeal.

*AN ACT to amend paragraph "A" of section four (4) of an act entitled "An act to provide for the examination of mine managers, and to regulate their employment," approved June 18, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That paragraph "A" of section four (4) of an act to provide for the examination of mine managers, and to regulate their employment," approved June 18, 1891, in force July 1, 1891, be and the same is hereby amended to read as follows:

Certificates of qualification or competency shall be conferred upon any citizen of the United States who shall submit to and satisfactorily pass an examination as to his fitness for the duties

and responsibilities of the position of mine manager as said examiners shall provide: *Provided*, said person applying to be qualified as mine manager shall have actually served and worked for at least four years as a practical coal miner, and said certificates of qualification or competency shall be conferred upon any citizen of the United States who shall present satisfactory evidence of having had at least four years of practical experience as a coal miner, and, of having served as mine manager continuously and satisfactorily for the same person, firm or corporation for one year, and all persons in this State, holding certificates of service, as provided in the act relating to examination of mine managers before this amendment, shall be entitled to have said certificates of qualification or competency conferred upon them, and it shall be the duty of the State Board of Examiners to so confer said certificate, which shall entitle and empower the holder thereof to act in the capacity of mine manager of any mine and for any person, firm or corporation in the State of Illinois.

All acts or parts of acts in conflict with this act are hereby repealed.

APPROVED June 21, 1895.

#### TO PROHIBIT THE USE OF CERTAIN OILS IN COAL MINES.

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| § 1. Only pure animal or vegetable oil to be used for illuminating purposes—Test—Branding. | § 2. Violation—Penalty. |
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*AN ACT to prohibit the use of certain oils in coal mines, and penalties for infraction of same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That only a pure animal or vegetable oil, or other oil as free from smoke as a pure animal or vegetable oil, and not the product or by-product of rosin; and which shall on inspection comply with the following test, shall be used for illuminating purposes in the mines of this State: All such oil must be tested at 60 degrees Fahrenheit. The specific gravity of the oil must not exceed 24 degrees Tagliabue. The test of the oil must be made in a glass jar one and five tenths inches in diameter by seven inches in depth. If the oil to be tested is below 45 degrees Fahrenheit in temperature, it must be heated until it reaches about 80 degrees Fahrenheit, and should the oil be above 45 degrees and below 60 degrees Fahrenheit, it must be raised to a temperature of about 70 degrees Fahrenheit, when, after being well shaken, it should be allowed to cool gradually to a temperature of 60 degrees Fahrenheit, before finally being tested. In testing the gravity of the oil, the Tagliabue hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. In case the oil under test should

be opaque or turbid, one-half of the capillary attraction shall be deemed and taken as the true reading. Where the oil is tested under difficult circumstances, an allowance of one half degree may be made for possible error in parallax before condemning the oil for use in the mine. All oil sold to be used for illuminating purposes in the mines of this State shall be contained in barrels or packages branded conspicuously with the name of the dealer, the specific gravity of the oil, and the date of shipment. It is provided, however, that any material that is as free from smoke and bad odor, and of equal merit as an illuminant as a pure animal or vegetable oil, may be used at the pleasure of mine operators and miners.

§ 2. Any person or persons, firm or corporation which ships any oil contained in any barrel or barrels, package or packages, which are not branded as prescribed in section one of this act, said oil to be used for illuminating purposes in coal or other mines, and any person or persons, firm or corporation which sells any oil other than that prescribed in section one, to be used for illuminating purposes in coal or other mines, and any person or persons, firm or corporation having in charge the operation or running of any mine which, in a mine under his or its charge, uses or permits the use of any oil other than that prescribed in section one and any miner or mine employé who uses, with a knowledge of its character, in any mine of this State, any oil other than that described in section one of this act, shall be fined not less than five nor more than fifty dollars, and any individual, firm, company or corporation which sells any oil other than that prescribed in section one of this act, in a quantity exceeding five barrels at one sale, to be used for illuminating purposes in coal or other mines, shall be fined not less than twenty-five nor more than one hundred dollars. Justices of the peace shall have jurisdiction to try any violations of this act. Every person convicted of a second or other offense against this act, in addition to the fine before provided shall be sentenced to the county jail for not less than ten days nor more than ninety days. It shall be the duty of the inspector of mines in each district to notify the State's Attorney of the respective county of any violations of the above provisions. And the State's Attorney shall prosecute as in other cases of misdemeanors.

APPROVED April 30, 1895



## VENTILATION OF MINES.

§ 1. Amends section four of the amended act of 1879 by inserting provisions respecting the filling of cartridges and firing of shots.

*AN ACT to amend section four (4) of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879; as amended by acts approved June 18, 1883, and June 21, 1883, in force July 1, 1883; as amended by an act approved June 30, 1885, in force July 1, 1885; as amended by an act approved June 16, 1887, in force July 1, 1887, and as amended by an act approved June 4, 1889, in force July 1, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section four (4) of an act entitled "An act providing for the health and safety of persons employed in coal mines," approved May 28, 1879, in force July 1, 1879; as amended by acts approved June 18, 1883, and June 21, 1883, in force July 1, 1883; as amended by an act approved June 30, 1885, in force July 1, 1885; as amended by an act approved June 16, 1887, in force July 1, 1887, and as amended by an act approved June 4, 1889, in force July 1, 1889, be amended so as to read as follows, viz.:*

SECTION 4. The owner, agent or operator of every coal mine, whether operated by shaft, slope or drift, shall provide and maintain for every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet for each man and six hundred cubic feet for each animal, per minute, measured at the foot of the downcast, and the same to be increased at the discretion of the inspector according to the character and extent of the workings, or to the amount of powder used in blasting, and said volume of air shall be forced and circulated to the face of every working place throughout the mine, so that such mine shall be free from standing powder smoke and impure gases of every kind. All doors set on main entries for the purpose of conducting the ventilation, shall be so constructed and hung as to close of themselves when opened, and shall be made sufficiently tight to effectually obstruct the air currents. In all the larger mines a boy or trapper shall be kept in attendance upon such doors, to see that they are kept securely closed, and the air currents properly controlled. Whenever the inspector shall find men working without sufficient air, or under any unsafe conditions, he shall first give the operator a reasonable notice to rectify the same, and upon his refusal or neglect so to do, may himself order them out until said portions of said mine shall be put in proper condition. All mines in which men are employed shall be examined every morning by a duly authorized agent of the proprietor, to determine whether there are any dangerous accumulations of gas, or lack of proper ventilation, or obstructions to roadways, or any other dangerous conditions, and no person shall be allowed to

enter the mine until such examiner shall have reported all of the conditions safe for beginning work. Such examiner shall make a daily record of the condition of the mine in a book kept for that purpose, which shall be accessible at all times for examination by the men employed in and about the mine and by the inspector. The currents of air in mines shall be so split as to give a separate current to at least every one hundred (100) men at work, and the inspector shall have discretion to order a separate current for a smaller number of men if special conditions render it necessary. In case the galleries, roadways or entries of any mine are so dry as to become filled with dust, the operators of such mines shall be required to have such roadways regularly and thoroughly sprinkled, and it shall be the duty of the inspector to see that in all mines every practicable precaution shall be taken against accidents from the careless handling of powder within the mine, and in no case shall more powder be stored in the mine, at any one time, than in the discretion of the inspector is necessary for each day's use. It shall be unlawful for coal miners in any mine to charge a blasting hole with loose powder, or otherwise than with a properly constructed cartridge, and in dry and dusty mines to load cartridges except with a powder can constructed for the purpose, nor shall any miner fill a cartridge from a keg or powder can or handle loose powder in any manner whatever with his lamp in line with the air current passing the powder, nor shall his lamp be less than three feet horizontally from the powder that he is handling. Every miner about to fire a shot shall, before firing, see that all other persons are out of danger from the probable effects of such shot, and shall take means to prevent any person approaching the place until such shot has exploded and immediately before firing shall shout "fire." No person shall return to a missed shot within fifteen (15) minutes, unless the firing is done by electricity, and then only when the wires are disconnected from the battery; nor shall a second shot be fired in a working place where the roof is broken or faulty, until the smoke from the previous shot has cleared away and the roof been examined. It shall be unlawful for the owner, agent or operator of any mine to permit miners to work in said mines with tools prohibited by law. It shall be unlawful for any operator or agent of a coal mine to employ persons underground, whose duties may involve contact with inflammable gases or the handling of explosives, who have not had experience in such duties, unless all such employés are placed under the immediate charge and instruction of such a number of competent men as to secure the safety of other persons employed in the same mine. The ventilation required by this section may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the works, by lining the upcast with incombustible material for a sufficient distance up from said furnace: *Provided*, that it shall not be lawful to use a furnace for ventilating purposes or for any other purpose, that

shall emit smoke into any compartment constructed in or adjoining any hoisting shaft or slope where the hoisting shaft or slope is the only means provided for the ingress or egress of persons employed in said coal mines. It shall be unlawful, where there is but one means of ingress and egress provided at a coal shaft or slope, to construct and use a ventilating furnace that shall emit smoke into a shaft as an upcast, where the shaft or slope used as a means of ingress and egress by persons employed in said coal mines is the only means provided for furnishing air to persons employed therein.

APPROVED June 21, 1895.

## MORTGAGES.

### CHATTEL MORTGAGES.

§ 1. Notes secured by chattel mortgages so to state upon their faces—Defenses.	§ 2. Sales under power contained in chattel mortgages.
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*AN ACT to regulate the assignment of notes secured by chattel mortgages and to regulate the sale of property under the power of sale contained in chattel mortgages.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all notes secured by chattel mortgages shall state upon their face that they are so secured, and when assigned by the payee therein named, shall be subject to all defenses existing between the payee and the payor of said notes the same as if said notes were held by the payee therein named, and any chattel mortgage securing notes which do not state upon their face the fact of such security shall be absolutely void.

§ 2. That all sales of personal property under the power of sale contained in any chattel mortgage, shall be made in the county where the mortgagor resides, or where the property is situated when mortgaged. If there are more than one mortgagor, then in the county where the mortgagor in possession of the property resides at the time of taking possession by the mortgagee, and in every case where the mortgagor can be found or his or her postoffice address can be ascertained, notice of the time and place of said sale shall be given to one or more of the mortgagors three days prior to said sale and by posting a copy of said notice at the place where said goods secured by said mortgage are located at least three days prior to said sale, and upon the making of said sale the mortgagee shall make out a statement showing the items of personal property sold, the names of each purchaser and the amount for which each article sold, and also an itemized statement of the necessary reasonable expenses incurred in taking, keeping and selling said property, and shall deliver the same to

the mortgagor or some one of them in person or by mail, and if he fails so to do within ten days after said sale, the owner of said property may sue for and recover one-third of the value of the property so sold, from the mortgagee or person making said sale as assignee of said mortgagee: *Provided*, that nothing in this act shall apply to the sale of furniture by regular dealers on the so-called installment plan.

APPROVED June 21, 1895.

## NEGOTIABLE INSTRUMENTS.

### DAYS OF GRACE.

§ 1. Amends the amended act of 1874 as follows:

§ 15. Abolishes days of grace.

§ 17. Legal holidays—Provides that notes, etc., maturing thereon shall become due on the succeeding instead of preceding day.

*AN ACT to amend sections 15 and 17 of an act entitled, "An act to revise the law in relation to promissory notes, bonds, due-bills and other instruments in writing," approved March 18, 1874, in force July 1, 1874, as amended by act approved June 17, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 15 and 17 of an act entitled "An act to revise the law in relation to promissory notes, bonds, due-bills and other instruments in writing," approved March 18, 1874, in force July 1, 1874, as amended by act approved June 17, 1891, in force July 1, 1891, be, and the same are hereby, amended to read as follows, viz.:

SECTION 15. No promissory note, cheque, draft, bill of exchange, order or other negotiable or commercial instrument, shall be entitled to days of grace, but shall be absolutely payable at maturity.

§ 17. The following days, to-wit: The first day of January, commonly called New Year's day; the twenty-second day of February; the thirtieth day of May; the fourth day of July; the twenty-fifth day of December, commonly called Christmas day; the first Monday in September, to be known as Labor day; the twelfth day of February; and any day appointed or recommended by the Governor of this State or by the President of the United States, as a day of fast or thanksgiving, are hereby declared to be legal holidays, and shall, for all purposes whatsoever as regards the presenting for payment or acceptance, the maturity and protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes or other negotiable or commercial paper or instruments, be treated and considered as is the first day of the week, commonly called Sunday. When any such holidays fall upon Sunday, the Monday next following shall be



held and considered such holiday. All notes, bills, drafts, checks or other evidence of indebtedness, falling due or maturing on either of said days shall be deemed as due or maturing on the day following, and when two (2) or more of these days come together, or immediately succeeding each other, then such instruments, paper or indebtedness shall be deemed as due or having matured on the day following the last of such days.

APPROVED June 4, 1895.

#### LIABILITY OF ASSIGNORS AND HOLDERS.

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| <p>§ 1. Amends section 7 of the act of 1874—Rights of lawful holders of and liability of partners to promissory notes payable in money to be hereafter governed by law merchant—Other notes.</p> <p>§ 2. Persons severally liable may be included in same suit.</p> | <p>§ 3. Judgment.</p> <p>§ 4. Release of judgment against drawer or endorser severally sold—Enforcement as against other parties.</p> <p>§ 5. Joint liability—When all defendants not served with summons—Proceedings.</p> |
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*AN ACT to amend section VII of "An act to revise the laws in relation to promissory notes, bonds, due bills and other instruments in writing," approved March 18, 1874, and to regulate the conduct of suits for enforcing payment of certain negotiable instruments on which parties are jointly or severally liable.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section VII of "An act to revise the law in relation to promissory notes, bonds, due bills and other instruments in writing," approved March 18, 1874, is hereby amended so as to read as follows:

The rights of the lawful holders of promissory notes payable in money, and the liability of all parties to or upon said notes shall be the same as that of like parties to inland bills of exchange according to the custom of merchants. Every assignor of every other note, bond, bill or other instrument in writing mentioned in section III of this act, shall be liable to the action of the assignee or lawful holder thereof, if such assignee or lawful holder shall have used due diligence by the institution and prosecution of a suit against the maker thereof, for the recovery of the money or property due thereon, or damages in lieu thereof. But if the institution of such suit would have been unavailing, or the maker had absconded or resided without or had left the State when such instrument became due, such assignee or holder may recover against the assignor as if due diligence by suit had been used.

§ 2. Persons severally liable upon bills of exchange or promissory notes, payable in money, may all or any of them severally be included in the same suit at the option of the plaintiff, and judgment rendered in said suit shall be without prejudice to the rights of the several defendants as between themselves.

§ 3. In any suit mentioned in the preceding section, a separate judgment may be entered by default against any defendant or defendants severally liable who have been duly served with summons, and against whom the plaintiff would have been entitled to judgment had the suit been against such defendant or defendants only. The suit shall thereby be severed, and shall proceed to trial against the other party or parties in the same manner as if it had been commenced against such other party or parties only, and if the plaintiff recover, judgment shall be entered against such one or more of the defendants as are found liable to him, but in no event shall the plaintiff be entitled to more than one satisfaction.

§ 4. Whenever the drawer or endorser of an accepted bill of exchange, or the endorser or guarantor of a promissory note shall have been joined with the acceptor of said bill or the maker of said note in a suit to enforce the collection thereof, and judgment has been recovered against any such drawer, endorser or guarantor who shall thereafter pay the same, the person so paying shall be entitled to have the judgment released as to him, but the same shall, at his option, stand and may be enforced by execution under the order of the court against any other party thereto who remains liable to the party paying as upon said bill or note, for the reimbursement of the party so paying. If there be any contest as to such liability the court may order an issue to be made up between the contesting parties, which shall be summarily determined as the court may direct.

§ 5. In all suits on negotiable instruments where any of the defendants are jointly liable, and only one or more, but not all of them, have been served with summons, if the plaintiff recover, judgment shall be entered in form against all the defendants so jointly liable, but so far only as that it may be enforced against the joint property of all and the separate property of the defendants served.

APPROVED June 4, 1895.

#### REDEMPTION OF TIME CHECK OR STORE ORDER.

§ 1. Compels the redemption of time checks and store orders in currency—Penalty.

AN ACT *to prevent extortion and compel the payment of debts contracted for labor, in bankable currency.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any time check or store order issued or given as compensation for labor performed, shall be redeemable, at the option of the person to whom the same was issued or given or upon his written order, in bankable currency. Any person who violates this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed one hundred (100) dollars or confined in the county jail not to exceed thirty (30) days or both in the discretion of the court.

APPROVED June 21, 1895.

## PARKS.

## BONDS FOR THE COMPLETION AND IMPROVEMENT OF PARKS AND BOULEVARDS.

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| <p>§ 1. Corporate authorities of any town included within limits of any city and co-extensive with park district authorized to issue bonds not exceeding \$600,000—Annual tax.</p> <p>§ 2. Bonds—How issued—Attestation, denomination, interest, registration and sale of—Violation of act—Penalty.</p> | <p>§ 3. Principal and interest on bonds—How paid—Sinking fund.</p> <p>§ 4. Maturity.</p> <p>§ 5. Purchase of bonds by park commissioners.</p> <p>§ 6. Emergency.</p> |
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*AN ACT to authorize the corporate authorities of towns to issue bonds for the completion and improvement of public parks and boulevards, and to provide a tax for the payment of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any town which is now included within the limits of any city in this State where the boundaries and limits of any such town are co-extensive with the boundaries and limits of any park district in which a board of park commissioners shall now exist, having authority by law to acquire, hold, improve and maintain land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city and for such parties or persons as may succeed to the rights of such inhabitants, and for the public as a public promenade and pleasure ground and ways, but not for any other use or purpose without the consent of a majority, by frontage of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or encumber the same, the corporate authorities of such town (meaning the town supervisor, clerk and assessor thereof) shall have authority, and such corporate authorities of any such town are hereby empowered, upon the written request to that effect of any board of park commissioners or the successors thereof, which shall now exist within any such town, to issue bonds in the name of such town to an amount not exceeding in the aggregate the principal sum of six hundred thousand dollars, and such bonds, when so issued by such corporate authorities, shall be delivered to such board of park commissioners to be by them sold in the manner hereinafter provided, and the proceeds thereof used for the improvement of any land now held, controlled and maintained by any such board of park commissioners for park and boulevard purpose: *Provided*, that the total indebtedness of such town including the said sum of nine hundred thousand dollars hereby authorized to be issued, shall not exceed five per centum of the value of the taxable property of such town, as ascertained by the last assessment for State and county taxes previous to issue of any such bonds. And such corporate authorities of any such town shall, in addition to the amount of any tax now authorized by law to be levied and collected for park and boulevard purposes in any such town, levy and collect annually a tax not to exceed one and one-half mills on the dollar upon the taxable property in any such town, according to the valuation of

the same as made for the purposes of State and county taxation; such tax to be used and expended by such board of park commissioners in governing, maintaining and improving such parks and boulevards or pleasure ways, and in paying the interest and principal of such bonds and other necessary and incidental expenses incurred in and about the management of any such parks and boulevards. Neither the bonds hereby authorized to be issued for the purpose aforesaid, nor the proceeds thereof, shall be used by such board of park commissioners for any other purpose than the improvement of the lands now held, controlled and maintained by such board of park commissioners. Nor shall any portion of the money derived from the sale of said bonds be used or expended by such board of park commissioners in the improvement, maintenance, control or repair of any boulevard or pleasure way which has been or may hereafter be made into boulevards or pleasure ways from pre-existing streets, but all of the proceeds of the sale of such bonds shall be used and expended exclusively in the improvement of the lands acquired and maintained by any such board of park commissioners by means and from sources other than the transfer of any street or streets by the common council of any municipal corporation, to the management and control of any such board of park commissioners.

§ 2. Such bonds shall be issued by the corporate authorities of such town as aforesaid, in the name of said town, upon the request in writing of any such board of park commissions or a majority of the members thereof. Said bonds shall be signed by the said corporate authorities, in the name of said town, and when so signed shall be delivered by such corporate authorities to such board of park commissioners, who shall, before disposing of the same, endorse upon each one of such bonds a certificate to the effect that such bonds have been issued by the corporate authorities of such town, upon the requisition of such board of park commissioners for the issue of such bonds by the corporate authorities of such town, and such certificate, so to be endorsed upon each one of such bonds, shall be evidence that due requisition for the issue of such bonds has been made by such board of park commissioners upon the corporate authorities of such town as aforesaid. Such certificate so to be endorsed upon said bonds shall be signed by the president, treasurer, auditor and secretary of such board of park commissioners. The said bonds may be of the denomination of twenty-five dollars, and of any multiple thereof. They shall bear interest at a rate not exceeding five per centum per annum, to be paid semi-annually, and to be evidenced by coupons thereto attached, and the principal shall be payable at such place and at such time, not exceeding twenty years from the date of the issue of such bonds, as such board of park commissioners may determine. Such bonds shall be numbered in regular series and shall be registered upon the records of such board of park commissioners, which registry shall show the number of the bonds, the amount of each bond, when the same is payable, to whom the same shall be payable, and the rate of in-



terest payable thereon: *Provided, however,* that such bonds may be made payable to bearer, or to the order of such person or persons as may be named therein, and when any of such bonds shall be made payable to bearer they shall pass by delivery, and provision shall be made by such board of park commissioners for the second registry of such bonds in the office of such board of park commissioners, at the option of the holder and in his name, and after a second registry of any of such bonds they, together with any bonds made payable to any particular person or persons, shall pass only by endorsement and delivery. None of such bonds shall be sold by such board of park commissioners for less than the par value thereof and the accrued interest thereon at the date of sale. And such board of park commissioners are hereby empowered to require of the treasurer of any such board a bond, with security to be approved by the circuit court of the county in which such parks and boulevards or pleasureways may be located, sufficient in amount and penalty to protect and save harmless any such board of park commissioners from loss of any money or sums of money which may or shall, from time to time, come into the hands of the treasurer of any such board of park commissioners from the sale of any of the bonds issued and sold under and by virtue of the provisions of this act. Any person who shall knowingly violate or aid and abet in the violation of any of the provisions of this act, shall be deemed guilty of embezzlement and shall be liable to indictment, trial and punishment as in other cases of embezzlement.

§ 3. For the purpose of providing for the payment of the interest on such bonds as it falls due, and also to pay and discharge the principal thereof as the same shall mature, any such board of park commissioners are hereby required each year to appropriate from any annual park tax not heretofore specifically appropriated by law, which may now or hereafter be authorized and directed to be levied upon the taxable property in any such town, whether the same be known as "boulevard and park tax" or otherwise, a sum sufficient to meet the interest upon such bonds as it may accrue, and to provide a sinking fund for the purpose of paying the principal of such bonds as they shall mature or become due, according to the provisions of this act.

§ 4. Any and all bonds which shall be issued in accordance with the provisions of this act shall contain the condition that, upon the expiration of five years after the date of such bonds, and upon the expiration of each successive year thereafter, such board of park commissioners shall, at an open meeting of the board of such park commissioners, select by lot so many and such an amount of such bonds as may be required to absorb the sinking fund hereinbefore provided, and the principal of the bonds so selected shall become due and payable at the date of the next installment of interest maturing on the several bonds so selected from time to time, and shall cease to bear interest after they severally become due and payable, by reason of such selection. Such

board of park commissioners, immediately after making such selection, shall make and sign in duplicate a statement of the result thereof, and shall file one copy thereof in the office of the town clerk of such town, and the other copy shall be filed in the office of the county clerk of the county in which any such town shall be located, and it is hereby made the duty of such board of park commissioners to pay and discharge the principal of the bonds selected, at the date of the next installment of interest maturing on the bonds so selected, from the sinking fund hereinbefore provided for that purpose.

§ 5. Any such board of park commissioners is hereby empowered, after the expiration of one year and at any time before five years from the date of any bonds authorized to be issued according to the provisions of this act, to purchase a sufficient number and amount of such bonds then outstanding as will absorb the annual sinking fund required by the provisions of this act: *Provided*, that such board of park commissioners shall not be authorized to pay for the bonds authorized by this section to be purchased, more than the fair market value thereof at the date of such purchase.

§ 6. Whereas, there is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED June 21, 1895.

#### DRIVEWAY AND PARK DISTRICTS.

§ 1. Amends the act of 1893 as follows:

§ 7. Board of trustees empowered to take, control and regulate streets, etc.

§ 8. May acquire lands by gift, grant, devise or purchase—General taxation—Indebtedness limited.

§ 12. Designates time for holding annual election for president and trustees.

AN ACT to amend sections seven (7), eight (8) and twelve (12) of an act entitled "An act to provide for the creation of pleasure driveway and park districts," approved June 19th, 1893, and in force July 1st, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections seven (7), eight (8) and twelve (12) of an act entitled "An act to provide for the creation of pleasure driveway and park districts," approved and in force July 1st, 1893, be, and the same are hereby, amended to read as follows to-wit:

Section 7. The board of trustees of any pleasure driveway and park district organized under this act, shall have power within the jurisdiction of such pleasure driveway and park districts, to designate by ordinance the whole or any part of two or more streets, roads, avenues, boulevards or high ways under the jurisdic-

tion of any city, town or village, within the boundaries of said district, as a public driveway, to be used for pleasure driving only, and to improve or maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain such streets, roads, avenues, boulevards or highways, and designate the same as pleasure driveways, to be used for pleasure driving only. The corporate authorities of such pleasure driveway and park districts may, by ordinance, regulate, restrain and control the speed of travel upon the same, and in all things may regulate, restrain and control the use of said pleasure driveway and parks by the public or individuals, and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same from any and all business traffic or objectionable travel, and may prescribe by ordinance such fines and penalties for the violation thereof as cities and villages are allowed by law to prescribe for the violation of ordinances: *Provided*, that any and all roads, highways, avenues, pleasure driveways, boulevards and parks lying wholly or in part within the corporate limits of any city, town or village situated within any pleasure driveway and park district organized under this act shall first, from and after the organization of such district by ordinance of the corporate authorities of such city, town or village, be turned over and placed under the control of the board of trustees of any such pleasure driveway and park district, and accepted by ordinance by such district. Power is also hereby conferred upon any pleasure driveway and park district organized under this act, to lay out, extend, maintain and improve pleasure driveways and boulevards under the provisions of article 9 of an act to provide for the incorporation of cities and villages, approved April 10th, 1872, and in force July 1st, 1872, and all amendments thereto so far as the same may apply. The same provisions shall apply to the collections of the assessments by installments, and for the issuing of bonds, and vouchers therefor as are provided in cases of special assessments of cities and villages in article 9 aforesaid, and amendments thereto, and also an act of the General Assembly entitled "An act to authorize the division of special assessments in cities, towns and villages into installments, and authorizing the issue of bonds to anticipate the collection of the deferred installments," approved June 17th, 1893, and in force July 1st, 1893.

§ 8. Such pleasure driveway and park district created under this act, shall have power to acquire, by gift, grant, devise or purchase, or by condemnation under the act of eminent domain, any or all grounds or land necessary for building, laying out and maintaining any such pleasure driveways, boulevards and parks as such board of trustees may deem proper and shall also have the power to raise money by general taxation for the purpose of acquiring the right of way for laying out, building and maintaining any such driveways, boulevards and parks, and may, by general taxation, raise sufficient money to pay all necessary expenses incurred by said

board for engineer and attorney services, and for the purpose of keeping in repair, and paying policemen or other persons necessarily employed to guard, protect and maintain any such pleasure driveways, boulevards and parks within said district, and power is also hereby conferred upon said pleasure driveway, and park district to borrow money on the credit of the district, and issue bonds therefor in such amounts and on such conditions as it shall prescribe for the payment of land condemned or purchased for parks, boulevards and pleasure driveways, for the building, maintaining and improving the same, and for the payment of expenses incident thereto, but said district shall not, unless authorized by a vote of the electors of such districts, as hereinafter provided, become indebted in any manner, nor for any purpose, to any amount, including existing indebtedness, in the aggregate to exceed two and one-half ( $2\frac{1}{2}$ ) per centum of the value of taxable property therein, to be ascertained by the equalized assessment for State and county taxes for the year 1894, but the said board of trustees may at any annual election in said district at which members of said board are voted for, also submit to the electors of said district the question of incurring a larger amount of indebtedness and issuing bonds therefor, and in that case the amount of indebtedness to be incurred and the bonds to be issued shall be plainly printed on the ballots, and the ballots prepared for the voters at any election upon the question of such increase of indebtedness or bond issue shall conform to the requirements of law for submitting amendments to the Constitution. If a majority of the electors voting at such election shall vote for the incurring of such increase of indebtedness or bond issue, the same shall thereby be fully authorized, but such further increase of indebtedness or the issuing of bonds shall in no case exceed, including existing indebtedness, the sum of five (5) per centum on the value of taxable property therein, to be ascertained by the last equalized assessment for State and county taxes previous to the borrowing of such money and issuing such bonds, and before or at the time of issuing such bonds, said board shall provide for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due, and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing of such bonds. All general taxes proposed by said board of trustees to be levied upon the taxable property within said district, shall be levied at the same time and in the same manner as taxes are now levied for city and village purposes under the laws of this State: *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of the interest on the bonded indebtedness, shall not exceed the rate of six (6) mills per centum upon the aggregate valuation of property within such district subject to taxation therein as the same was equalized for State and county taxes for the previous year. All moneys when collected under any of the provisions of this act shall be paid to the treasurer of said board of trustees for said district.



§ 12. The regular annual election for president and trustees of any district organized under this act shall be held on the third Tuesday in May in each year after such organization, and the president and board of trustees shall give twenty (20) days' notice of such election, the purpose for which the same is held, appoint the polling place or places, and the judges and clerks of election, furnish the official ballots, and the election shall be conducted and the vote canvassed and the returns made to said board of trustees of any such district in the manner as is required of the president and board of trustees of incorporated villages in this State, acting under the general law for the incorporation of cities, villages and towns.

APPROVED June 17, 1895.

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#### DRIVEWAYS TO PUBLIC PARKS.

§ 1. Amends section 1 of the amended act of 1885 by adding a provision empowering park commissioners to abandon and surrender any street to the corporate authorities to whom it would revert, and to select and take other and different street.

*AN ACT to amend section one (1) of an act entitled "An act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," approved and in force April 9, 1879, as amended by an act approved June 27, 1885, and in force July 1, 1885.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "An act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment or special tax on contiguous property," approved and in force April 9, 1879, as amended by an act approved June 27, 1885, and in force July 1, 1885, be, and the same is hereby, amended so as to read as follows:

SECTION 1. That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or part thereof leading to such park, and shall also have power to accept and add to any such park any street or part thereof which adjoins and runs parallel with any boundary line of the same: *Provided*, that the streets so selected and taken so far as taken shall lie within the district or territory the property of which shall be taxable for the maintenance of such parks: *And provided, further*, that the consent of the corporate authorities having control of any

such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken shall be first obtained: *And, provided, further,* that every board of park commissioners who shall have exercised the power hereinabove granted to select and take streets or parts of streets for the purpose of connecting any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, shall have the power to abandon and surrender over any street or part of any street forming the whole or any part of such connection so made, to the proper corporate authorities of the city, village or town, respectively, to which the control of any such street or part of a street so abandoned would revert, and for the purpose of connecting the same points or of making any portion of such connection, to select and take in place of any streets, street or part of a street so surrendered any other and different streets, street or part of a street, which may be desirable and expedient for making the said connection, but such power shall only be exercised upon the consent first obtained of the proper corporate authorities to whom the control of the streets, street or parts of a street, so far as abandoned would revert, and of the proper corporate authorities having control of the streets, street or part of a street, so far as proposed to be taken, and upon the consent in writing first obtained of the owners of a majority of the frontage of the lots and lands abutting on the streets, street or part of a street so far as abandoned, and upon the consent in writing first obtained of the owners of a majority of the frontage of the lots and lands abutting on the streets, street or part of a street, so far as proposed to be taken.

APPROVED June 17, 1895.

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FOR THE ORGANIZATION OF PARK DISTRICTS AND TRANSFER OF SUBMERGED LANDS.

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| § 1. Organization of park districts.  | § 12. Records of board.  |
| § 2. Petition for park district—Election.   | § 13. Proof of ordinances, etc.—In evidence.   |
| § 3. Election—Ballot.   | § 14. Powers of park district.   |
| § 4. Records.   | § 15. Park district empowered to acquire land, riparian rights, etc. — Condemnation proceedings. |
| § 5. When deemed organized—Commissioners —Powers.                                 | § 16. Submerged land—Reclamation.  |
| § 6. Commissioners—Qualifications and residence—Not to be interested in contract. | § 17. Damages.   |
| § 7. Commissioners—Oath.  | § 18. Police powers.   |
| § 8. Terms of office—How decided.   | § 19. Navigation not to be interfered with.  |
| § 9. Election of succeeding commissioners—Vacancy, etc.                           | § 20. General tax—Levy and collection.   |
| § 10. Officers of board.  | § 21. Apportionment of levy between two counties.  |
| § 11. Commissioners—Corporate powers.   | § 22. Levy of taxes—Limit.   |

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| <p>§ 23. Local improvement—Special assessment.</p> <p>§ 24. Township corporate authorities.</p> <p>§ 25. Levy and collection of assessment—Proceedings.</p> <p>§ 26. Duties of town clerk and township collector under this act.</p> <p>§ 27. Division of assessments—Provisions of act apply.</p> <p>§ 28. Application of moneys collected.</p> <p>§ 29. The word "improvement" defined.</p> <p>§ 30. Quorum of township corporate authorities.</p> | <p>§ 31. Bonds authorized.</p> <p>§ 32. Issue of bonds.</p> <p>§ 33. Bonds—Attestation—Interest, etc.</p> <p>§ 34. Annual tax to pay interest on bonds.</p> <p>§ 35. Public street—May be taken under certain conditions.</p> <p>§ 36. Parks and boulevards in city may be turned over to commissioners.</p> <p>§ 37. Rights reserved.</p> <p>§ 38. Adjoining territory—Annexation.</p> <p>§ 39. Benefits of act extended.</p> |
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*AN ACT to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any territory situated in the same county or in two adjoining counties under township organization and so lying as to form one connected area, no portion of which shall be already included in a park district or in a township whose corporate authorities are authorized by law to levy special taxes or special assessments to maintain a public park, may be organized into a park district for the establishment, construction and maintenance of public parks and boulevards in the manner following:

§ 2. Any one hundred legal voters resident within the limits of such proposed park district, may petition the county judge of the county in which such territory lies, or if it lie partly in two counties then the petition shall be addressed to the county judges of each of said counties, to cause the question to be submitted to the legal voters of such proposed park district, whether they will organize as a park district under this act; such petition shall clearly define the territory intended to be embraced in such district, and the name of such proposed district; upon the filing of such petition in the office of the county clerk of the county or counties in which such territory is situated, it shall be the duty of the county judge, or county judges if the proposed park district lie partly in two counties, to order an election to be held in such part of such proposed district as lies within his county, and in such order the said county judge or judges, as the case may be, shall fix the time and place or places within the boundaries of such proposed district, at which an election may be held to determine such question, and to elect five commissioners to serve as hereinafter provided, and the said judge or judges shall name the persons to act as judges at such election, and shall give twenty days' notice thereof, by causing notices to be posted in five public places within such proposed district and by causing said notice to be published in one or more papers, if there be any published in said district.

§ 3. The ballots to be used at such election shall be in the following form:

	“For Park District.”.....
	“Against Park District.”.....
	“For Park Commissioners”
Names.....	{ ..... ..... ..... ..... .....

The judges at such election shall make return thereof to the county judge of the county in which such election is held, the said judge shall canvass such returns and cause a statement of the result of such election to be entered on the records of the county court. When the territory proposed to be organized into a park district is situated in more than one township, then, at least one polling-place shall be located in each township or portion thereof included in such territory, and no district shall be organized unless a majority of the votes cast in each township or portion thereof included in such territory are in favor thereof.

§ 4. When the proposed district lies within two counties, the county judges of each of said counties shall cause to be transmitted to the clerk of the county court of the other county in which a part of said proposed district shall lie, a copy of such record, which copy, when so received, shall be spread upon the records of the county court receiving the same as the return of the vote cast in said county.

§ 5. If the majority of the votes cast in each township in the part of said district in each county, where the same lies partly within two different counties, or if the majority of the votes cast in each township in said proposed district, where the same lies wholly in one county, shall be in favor of the proposed park district, such proposed park district shall thenceforth be deemed an organized park district under this act, and in that event, the five persons who shall have received the highest number of votes for commissioners cast at said election, shall be declared the commissioners of said district, and the said district so organized shall have the name designated and set forth in said petition, and by such name and style the same may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure, and such district shall constitute in law and equity a body corporate and politic and exer-



cise the powers herein specified. All courts of this State shall take judicial notice of the organization of said park district and of the election of said commissioners.

§ 6. Each of the commissioners elected in any park district created under this act shall be a legal voter of, and reside within, such district, and where the same includes territory lying within two counties, no more than three of them shall be residents of the same county, and they shall receive no compensation as such commissioners. It shall be a misdemeanor for any commissioner to be directly or indirectly in any way pecuniarily interested in any contract or work of any kind whatever connected with said park district. Neither of said commissioners nor any person, whether in the employ of said board or otherwise, shall have power to create any debt, obligation, claim or liability, for or on account of said park district, or the moneys or property of the same, except with the express authority of said board of commissioners, conferred at a meeting thereof and duly recorded in a record of its proceedings.

§ 7. Each of said commissioners before entering upon the duties of his office shall take and subscribe an oath to well and faithfully discharge his duties as such commissioner, and shall give a bond in the penal sum of five thousand dollars to such park district, to be approved by the county judge of the county in which such commissioner resides, for the faithful discharge of his duty, which oath and bond shall be filed in the office of the clerk of the county in which such commissioner resides.

§ 8. As soon after such board shall be constituted as aforesaid, the members thereof shall decide by lot, at a meeting where all of said members are present, as to the respective term for which each shall hold office, the one drawing the longest term shall serve for five years, the one drawing the next longest term shall serve for four years, the one drawing the next longest term shall serve for three years, the one drawing the next longest term shall serve for two years, and the one drawing the shortest term shall serve for one year, respectively, from the next annual township election after the organization of the district in which they are elected, or until their successors shall be duly elected and qualified, as hereinafter provided.

§ 9. At the second regular township election in April, after the board of commissioners has been constituted as aforesaid, and annually thereafter, one commissioner shall be elected for the term of five years, or until his successor is elected and qualified; notice of the time and place or places of holding such election shall be given by the commissioners of such park district by posting written or printed notices in five of the most public places in the district, at least ten days prior to the election, and by publishing the same in one or more newspapers, if there be any published in said district, the election shall be conducted in the same manner and the vote canvassed and the result declared as

for township officers. At least one polling place shall be located in each portion of a township included in any park district, and separate ballot boxes shall be used to receive the ballots cast for park commissioners, and separate returns of the votes cast with the ballots thereof shall be made to the president of the board of commissioners as nearly as may be in the manner now provided for making such returns to the town clerk, and said board shall, within five days after such election, canvass said returns and declare the result of said election and enter a record of such canvass and declaration upon its records: *Provided, however,* that this act shall not be construed as in any manner amending, modifying or repealing any of the provisions of an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885. Nor shall the provisions of this act apply to or affect any city, village or incorporated town that has by vote of the electors thereof adopted the provisions of the act hereinabove mentioned in so far as the provisions of said act are in conflict herewith. But where any district organized under this act or portion thereof shall be located in such city, village or incorporated town, the election shall be conducted and the returns thereof made and declared in the same manner as is now provided where a township or portion thereof is located therein, except that any returns to be made to the town clerk or the corporate authorities of the township shall be made instead to the president and the board of commissioners of the district. Vacancies in the board by reason of removal from the district or otherwise may be filled by appointment by the remaining members of the board, such appointment to continue until a successor for the unexpired term has been elected and qualified; at the first annual township election after such vacancy occurs, a successor for the unexpired term shall be elected.

§ 10. The board of commissioners shall elect from their number a president, who shall hold his office for one year, or until his successor shall be elected. They shall also appoint a secretary and a treasurer, neither of whom shall be members of the board, prescribe their duties, fix their compensation and term of office, and require such bonds as the commissioners deem necessary.

§ 11. The commissioners elected in any park district created under this act shall constitute the corporate authorities of such district, and a majority thereof shall constitute a quorum at any meeting thereof. They shall have power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of said board and of said corporation, and for carrying into effect the objects for which said park district is formed. In addition to the officers above mentioned, they may employ such engineers, clerks and other employes, including a police force, as may be required. They shall have full power to manage and control all the officers and property of such district.

§ 12. Said board shall keep a regular book of records of all ordinances or other proceedings of said board, which book of record shall be open to the inspection of any person residing in said district at all reasonable and proper times.

§ 13. All ordinances, orders and resolutions of said board may be proved by the certificate of its secretary under the seal of the corporation, and when printed in book or pamphlet form and purporting to be published by the commissioners, such book or pamphlet shall be received as evidence of the passage of such ordinances, orders and resolutions as of the dates mentioned in such publication in all courts or places without further proof.

§ 14. Any park district organized under this act shall have power to acquire, lay-out, establish, construct and maintain parks and boulevards in said district, and provide boating basins in said parks, and have full power to control, manage and govern the said parks and boulevards and the use thereof.

§ 15. Said park district shall have power to acquire by gift, grant or purchase, or by condemnation under the act of eminent domain, any and all real estate, lands, riparian estates or rights and all other property required or needed for any such park or boulevard, or for extending, adorning or maintaining the same, and located within its territory. When condemnation proceedings are had, they shall conform as nearly as practicable to such proceedings by cities and villages, where the property condemned is to be paid for by general taxation, as set out in article 9 of chapter 34 of the Revised Statutes of Illinois, and any amendments thereto.

§ 16. When any park district created under this act borders upon any navigable body of water, the title to the bed or submerged land of which is vested in the State of Illinois, said district may take possession of, enclose, fill in, reclaim, and protect any portion of such submerged land bordering thereon, over which there shall be shoal and shallow water not fit for navigation, and shall have the power to establish, construct and maintain parks and boulevards over and upon the same, and all right, title and interest of the State of Illinois in and to the bed or submerged land of such body of water, so taken possession of, enclosed, filled in and reclaimed is hereby granted and ceded to such park district and the title thereto shall vest in such park district to be held for the use and benefit of the public as a part of said park district for park and boulevard purposes exclusively, and said district shall have power for the purpose of reclaiming such submerged land and protecting the same thereafter to construct all necessary break-waters, or protection for the building and maintenance of such parks and boulevards, and the enclosing or reclamation of such submerged lands. Any such submerged lands so enclosed and reclaimed as aforesaid shall forever be held and maintained for park and boulevard purposes, and no portion thereof shall ever be granted or ceded away by any district for any purpose, and in case the same should



ever cease to be used for park or boulevard purposes, then the title to the same shall re-vest in the State of Illinois, together with all the improvements thereon and the appurtenances thereof.

§ 17. Whenever the land so taken possession of, enclosed, filled in and reclaimed shall lie along property not belonging to such district, and by the taking possession of, enclosing and filling in such submerged land, such property shall be shut off from its access to such body of water and shall be injuriously affected thereby, such district shall pay all damages arising to such property therefrom, and in case the same cannot be agreed upon, they shall be ascertained in the manner hereinbefore provided for the acquiring of property for such district by condemnation proceedings.

§ 18. Whenever any district organized under this act is located along any such navigable body of water as aforesaid, the right is hereby given to the corporate authorities thereof to take charge of, control and police such body of water and the land thereunder for a distance of three hundred feet along any park, boulevard or pleasure drive constructed by it and bordering thereon.

§ 19. Nothing in this act shall be construed as granting to any district the right to interfere with the navigation of any navigable body of water or to shut off the access to any public dock or landing thereon, or to shut off the access of public highways or streets to such body of water at reasonable intervals in each municipality bordering thereon in said district.

§ 20. Any district created under this act is hereby empowered to levy and collect a general tax on the property in the park district for necessary expenses of said district and for the construction and maintenance of the parks, boulevards and other improvements hereby authorized to be made.

§ 21. When said district shall be located in two counties, the board of commissioners shall determine and certify the amount to be levied upon the taxable property lying in each county, and return the same to the respective county clerk of the county in which the same is to be levied: *Provided*, that in order to determine the amount to be levied upon the taxable property of that part of the district lying in each county, the board shall ascertain from the county clerks of the respective counties in which each district lies, the last ascertained equalized value of the taxable property of such district lying in their respective counties, and then shall ascertain the rate per cent. required, and shall apportion the whole amount to be raised between the several parts of the district so lying in the different counties accordingly.

§ 22. All such general taxes when collected shall be paid over to the treasurer of the board of commissioners, who is authorized to receive and receipt for the same, and all taxes authorized to be levied by the corporate authorities of any park district created under this act on the taxable property in said district, shall be levied at the same time and in the same manner, as nearly as



practicable, as taxes are now levied for city and village purposes under the laws of this State: *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or interest thereon, shall not exceed the rate of four (4) mills on each dollar of taxable property in said district on the aggregate valuation as equalized for State and county taxes for the preceding year.

§ 23. When any improvement to be made by said board is local in character and confined within the limits of a township of said district, and the said board shall deem it desirable that the same should be made by special assessment, it shall file a petition with the corporate authorities of the township in which the same is to be made, setting out the nature, character, locality and description of such improvement and an estimate of the cost of the same, including labor, materials and all other expenses attending the same, and the cost of making and levying the assessment and praying that said corporate authorities levy a special assessment.

§ 24. The corporate authorities aforesaid shall consist of the assessor, supervisor and clerk of said township, and if, after due examination concerning the improvement prayed for, such corporate authorities are of the opinion that a special assessment should be levied therefor, they shall pass a resolution to that effect, which resolution shall also specify the nature, character, locality and description of such improvement, and they shall proceed to make an estimate of the cost of the same, including labor, materials and all other expenses attending the same, and the cost of making and levying the assessment, and shall cause said resolution and estimate to be spread upon the records of the minutes of the meeting at which the same was passed and made, and copies thereof, certified by the town clerk, shall be attached to the petition filed for the levying of such assessment.

§ 25. The proceedings for the levying and collecting of said assessment shall be the same as nearly as practicable as those provided [for] in article 9, chapter twenty-four, of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force June 1, 1872, and all amendments thereto so far as the same may apply.

§ 26. The town clerk and township collector shall perform the duties in regard to the collection of said assessment provided in said article 9 to be performed by the city clerk and city collector respectively.

§ 27. The same provisions shall apply to the collection of the assessment by installments and for the issuing of bonds and vouchers therefor as are provided in the cases of special assessments of cities and villages in article 9 aforesaid and the amendments thereto, and also an act of the General Assembly entitled, "An act to authorize the division of special assessments

in cities, towns and villages into installments, and authorizing the issue of bonds to anticipate the collection of deferred installments," approved June 17, 1893, and in force July 1, 1893.

§ 28. All moneys collected by virtue of such special assessment shall be paid over to the treasurer of the district in which the same is levied, and shall be expended only for the improvement aforesaid, in the portion of the district situated in the township in which the same shall be levied.

§ 29. The word "improvement" as used herein shall include the condemnation of property for park and boulevard purposes.

§ 30. A majority of the township corporate authorities aforesaid shall constitute a quorum at any meeting for the transaction of any business relating to such special assessment.

§ 31. For the payment of land condemned or purchased for parks or boulevards, for the building, maintaining, improving and protecting of the same and for the payment of the expenses incident thereto, said district is authorized to issue the bonds of such park district, and may pledge its property and credit therefor to an amount including existing indebtedness of such park district so that the aggregate indebtedness of such park district shall not exceed three (3) per centum of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the issue from time to time of such bonds.

§ 32. The issue of bonds by said commissioners shall be authorized by them only at a regularly convened meeting of the board by ordinance duly enacted and of record in the record of proceedings of such board, and a copy of the same properly certified by the secretary shall be filed in the office of the clerk of the county wherein such park district lies.

§ 33. Such bonds shall be issued, when authorized as aforesaid, in the name of the park district, to be signed by the president and treasurer and countersigned by the secretary, with his seal of office affixed; they shall bear interest at not exceeding five per cent. per annum, payable semi-annually, and the principal shall be payable at such time and place as may be determined by the board of commissioners, not exceeding twenty years. The commissioners of such park district may sell said bonds at not less than par, and the proceeds thereof shall be used exclusively for the purpose in this act authorized.

§ 34. For the purpose of providing for the payment of the interest on such bonds as it falls due, and also a sum sufficient to pay and discharge the principal thereof at maturity, said park district and its corporate authorities are hereby authorized, required and directed to appropriate and levy (in addition to other taxes authorized by this act to be by them levied) an annual tax upon the taxable property in said district sufficient to provide for the said principal and interest therein mentioned.

§ 35. Any public street, road or highway or portion thereof situated within the limits of any park district organized under this act may be taken charge of by said district, and improved and maintained by it as a pleasure drive or boulevard: *Provided*, that the consent of the corporate authorities having control of such street, highway or portion thereof shall be first obtained, and also the consent in writing of the owners of the majority of the frontage of the lots and lands abutting on the same. If such street, road, highway or portion thereof shall have already been set apart as a pleasure driveway or boulevard, then such consent of said owners shall not be required to set the same over to the park district. When such street, road or highway is under the charge of the highway commissioners of any township, they shall be held to be the corporate authorities having control of the same whose consent shall be obtained as aforesaid.

§ 36. Any parks or boulevards in any municipality within the limits of a park district created under this act may, with the consent of such municipality, on the organization of said district, be turned over to and placed under the control of the commissioners thereof. In any park district created under this act, any and all lands fronting on a lake, now belonging to or under the control of any city, town or village in said park district, with the riparian rights attaching thereto, shall be and are hereby appropriated for such park or parks, or boulevards, as are authorized to be made and established by this act, with the consent of the corporate authorities of such municipality.

§ 37. To all municipalities lying within the limits of any park district created under this act, is hereby expressly reserved the right to lay and repair water and sewer pipe under the surface of any boulevard or park therein in the same manner and to the same extent it could have been done before the organization of such park district.

§ 38. Territory adjoining and in the same county with any park district organized under this act may be annexed to and become a part of such district in the manner following: Any one hundred legal voters, residents within the territory proposed to be annexed may petition the county judge of the county wherein the land proposed to be annexed lies, to cause the question to be submitted to the legal voters of the territory proposed to be annexed whether they will be annexed and become a part of the adjoining park or district, and the petition shall set forth the name of the park district, and define the limits of the territory proposed to be annexed thereto. Upon the filing of the petition in the office of the county clerk of the county in which such territory is situated, it shall be the duty of the county judge of said county to order an election to be held in the territory proposed to be annexed, and in such order the said judge shall fix the time and place or places within the limits of the territory proposed to be annexed, for which an election may be held to determine the question of annexation, and the said judge shall name the persons to act as judges

at such election, and shall give twenty days' notice thereof, by causing notices to be posted in five public places within the territory proposed to be annexed to such district. The ballot to be used at such election shall be in the following form:

"For Annexation".....

"Against Annexation".....

The judges at such election shall make return thereof to the county judge, who shall canvass such returns, and cause a statement of the result of such election to be entered on the records of the county court, and shall cause a certified copy of the statement of the result of such election to be transmitted to the commissioners of said park district, which certified copy shall be by them spread upon their record; if a majority of the votes cast upon that question at such election shall be for annexation, then the commissioners of such park district may, by ordinance duly passed, annex said territory to such park district, and the same shall thenceforth become and be a part of such district, the same as though originally included in said park district: *Provided*, that when the territory proposed to be annexed includes more than one township or portions thereof, then such annexation shall not be made unless there shall be a majority of the votes in favor thereof in each township or portion thereof of such territory.

§ 39. Any park district now or hereafter organized under the provisions of an act entitled "An act to provide for the creation of pleasure driveway and park districts," approved June 19, 1893, and in force July 1, 1893, may levy and collect special assessments in the manner provided for in this act.

APPROVED June 24, 1895.

### THREE MILL TAX FOR PARK PURPOSES.

§ 1. Amends the act of 1893 as follows:

§ 1. To provide for 30 cents tax on each \$100 instead of 3 mills on each \$100, reduces the requirement as to population from 25,000 to 5,000, and adds provision prohibiting the inclusion of tax authorized in the aggregate amount of taxes limited by the general act for the incorporation of cities and villages.

§ 3. Authorizes submission of question at any general or special election—Notice—Emergency.

*AN ACT to amend an act entitled "An act to provide for the assessment and collection of a general tax by cities for parks and boulevard purposes," approved and in force June 17, 1893.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That sections one and three of an act entitled "An act to provide for the assessment*



and collection of a general tax by cities for parks and boulevard purposes," approved June 17, 1893, be, and the same are hereby, amended so as to read as follows:

SECTION 1. That the city council in cities having a population of not less than five thousand nor more than one hundred thousand inhabitants, to be ascertained by the last United States census, whether incorporated under the general law or special charter, shall have the power, by ordinance, to provide annually by taxation a special fund, not to exceed thirty (30) cents on each one hundred dollars' valuation of the taxable property within the corporate limits of said cities, to be assessed and collected in the same manner as the other general taxes for said cities are assessed and collected, to be used only for the purpose of purchasing land for parks and boulevards in and around such cities, and for opening, improving and maintaining the same: *Provided*, that the said annual park and boulevard tax shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8), of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized.

§ 3. Nothing in this act contained shall authorize any city to levy or collect any tax herein provided for until the question of such levy shall have been submitted to the legal voters of such city at a general or special election and authorized by a majority of the votes cast at such election, and at least one week's public notice that such question will be so submitted at such election, shall be previously given by the mayor of such city, by publishing such notice in one or more of the newspapers of such city.

WHEREAS, An emergency exists, therefore, this act shall take effect and be in force from and after its passage.

APPROVED January 31, 1895.

#### ENLARGEMENT OF PARKS BY RECLAIMING SUBMERGED LANDS.

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| § 1. Reclaiming submerged lands--Plans--Title to said lands. | § 4. Cost--Special assessment.         |
| § 2. Riparian rights.  | § 5. Special assessment--Installments. |
| § 3. Uses.   | § 6. Bonds.                            |
|  | § 7. Powers--Construction.             |

*AN ACT to enable park commissioners having control of any park bordering upon public waters in this State to enlarge the same from time to time, and granting submerged lands for the purpose of such enlargements and to defray the cost thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That in all cases where lands within specified boundaries bordering on public waters in this State have been declared to be a public park, and where the*

commissioners of such park have been named in the act establishing the same, and their successors have since been appointed by the Governor of this State, the said commissioners of any such park shall have power from time to time in their discretion to enlarge the same by reclaiming submerged lands under said public waters in the following manner: Said board of commissioners upon deciding to make any such enlargement of said park shall prepare and adopt a plan of such enlargement and in the same shall locate a boulevard or driveway over and upon the bed of such public waters. The termini of such boulevard or driveway shall be within the district or territory the property of which shall be taxable for the maintenance of the park under the control of said board, and one at least of such termini shall be at or upon some driveway or boulevard already established and under the control of said board of commissioners. The said proposed boulevard or driveway shall be so located as not to interfere with the navigation of such public waters for the purposes of commerce. Said plan shall provide for such breakwater, seawall or other protection upon the water line of said boulevard or driveway as shall be necessary to save the same from destruction or waste by water. Said plan shall also locate upon the submerged lands between the shore line of such public waters as it exists at the time said plan is prepared and adopted and the inner line of the proposed boulevard and driveway, such portions of the submerged lands to hold, use and improve for the purposes of a public park under its control and management. Said board of commissioners after the preparation and adoption of said plan shall make an estimate of the cost of the construction of said boulevard and driveway and the filling in and reclamation of all the submerged lands lying between the inner line of said boulevard and the shore line of such public waters. Thereupon the title of such submerged lands over which the said boulevard or driveway is located, and of the said submerged lands between said boulevard as located and the shore line, shall become and be vested in and is hereby granted to the said board of commissioners, in fee simple for park purposes, as hereafter in this act set forth.

§ 2. The riparian rights of the owners of land along the shore adjoining such submerged lands, and such land along the said shore as to the said board shall seem necessary and desirable, the said board of commissioners may acquire by contracts with or deeds from any such owner, and in case of inability to agree with any such owner proceedings may be had to condemn such rights and such lands according to the provisions of article 9 of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10th, 1872, and the amendments thereof.

§ 3. The submerged lands thus granted and the shore lands together with the riparian rights thus acquired in accordance with the preceding sections, the said commissioners shall hold for the following uses:

First. For the purpose of constructing and maintaining the boulevard or driveway as in said plan located.

Secondly. For the purpose of filling, reclaiming, improving, maintaining and holding such portions as are so designated upon said plan as a public park.

§ 4. The cost of the acquisition of such riparian rights and land from such shore owners, together with the estimated cost of the construction of said boulevard and driveway and the protection for the same, and of the reclamation and improvement of said submerged lands to be held for the purpose of a public park, shall be raised by special assessment upon property benefited by the proposed improvement in the manner provided in article 9 of chapter 24 of the Revised Statutes and amendments thereto. Said assessment shall be levied, collected and enforced by such proper corporate authorities as are by law authorized to levy taxes and assessments for the maintenance of such park.

§ 5. But it is hereby further provided, that the amount of such special assessment on each piece or parcel of land upon which said special assessment may be levied shall be divided into twenty equal installments, the first of said installments to be payable immediately after the ascertainment and confirmation of said assessment according to law, and the second year's thereafter, and the subsequent installments one each year thereafter, each installment except the first to bear interest from the date of the issuance of the warrant for the collection of said first installment at the rate of five per cent. per annum, payable annually; said installment and said interest to be collected in the manner provided by law for the collection of the other taxes for the purposes of such park, and at the same times.

§ 6. The said board of commissioners may authorize from time to time the issuance of bonds, warrants or other certificates of indebtedness, not exceeding in the aggregate the amount of such special assessment, to be payable only out of the proceeds of such special assessment, and bearing interest not to exceed five per cent. per annum, payable semi-annually, the time for the payment of the principal of which shall be so distributed as nearly as practicable, as to retire each year an amount equal to the amount of the said special assessment collected, and shall apply the proceeds of the issuance and negotiation of any such bonds, warrants, or other instruments to the purpose for which said assessment is herein authorized, and the said special assessment shall be, and is hereby, then specifically pledged for the redemption and payment of such bonds, warrants or certificates of indebtedness.

§ 7. The powers granted by this act to any board of park commissioners for the enlargement of a park under their control shall not be construed to have been exhausted by any one use of the same, but under the same conditions and limitations, and in the method prescribed, the said board may from time to time proceed with further enlargements of said park by reclamation of submerged lands.

APPROVED June 15, 1895.

## TWO MILL TAX FOR MAINTENANCE OF PARKS.

§ 1. Two mill tax authorized—Levy and assessment.

*AN ACT to enable park commissioners to maintain and govern parks and boulevards under their control.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any town which is now included within the limits of any city in this State, in which a board of park commissioners shall now exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public, as public promenades and pleasure grounds and ways, and for no other use or purpose without the consent of a majority by frontage of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or incumber the same, the corporate authorities of any such town, authorized by law to assess taxes for park purposes, shall, upon the receipt of a certificate in writing from any such board of park commissioners, on or before the first day of August in each year, levy and assess, in addition to all other taxes now authorized by law to be levied and assessed for the purpose of governing and maintaining any such parks and boulevards, two mills on each dollar of the taxable property in said town and within the park district, subject to taxation for park and boulevard purposes, according to the valuation of the same, as made for the purpose of State and county taxation, and such additional two mills on the dollar of the taxable property in said town and park district shall be used and expended by such board of park commissioners in governing and maintaining any parks, boulevards or pleasureways under the jurisdiction, management and control of any such board of park commissioners, and for paying any other necessary and incidental expenses incurred in and about the management of any such parks and boulevards, and such additional two mills shall, by the officer authorized by law to assess and collect taxes for park purposes, be collected and paid over the same as other park taxes are now required by law to be collected and paid over.

APPROVED June 17, 1895.



## TO ENABLE PARK AUTHORITIES TO MAKE LOCAL IMPROVEMENTS.

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| § 1. Special assessments—Special taxes.        | § 13. Collection of special assessment.             |
| § 2. Power declared to be additional.          | § 14. Application for judgment.                     |
| § 3. Ordinance.                                | § 15. Sales.  |
| § 4. Special assessments—Proceedings.          | § 16. Park commissioners may buy in                 |
| § 5. Character of improvement.                 | § 17. Supplemental assessment.                      |
| § 6. Estimate of cost.                         | § 18. Contracts.                                    |
| § 7. Order for proceedings in court.           | § 19. Condemnation proceedings—Special assessments. |
| § 8. Petition.                                 | § 20. New assessments.                              |
| § 9. Assessment.                               | § 21. Allowance of credits.                         |
| § 10. Assessment roll.                         | § 22. Levy, assessment and collection—How made.     |
| § 11. City special assessment laws applicable. |   |
| § 12. Hearing.                                 |   |

*AN ACT to enable park commissioners or park authorities to make local improvements and provide for the payment therefor.*

SECTION 1. SPECIAL ASSESSMENTS—SPECIAL TAXES. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all and any boards of park commissioners or park authorities now existing or hereafter established for the purpose of locating, establishing, inclosing, improving or maintaining any public park, boulevard, driveway, highway or street, are hereby vested with power and authority to levy, assess and collect special assessments or special taxes on contiguous property, or general taxes, or both, or otherwise, for the purpose of improving any boulevard, highway, driveway or street which may be now or may hereafter come under their control in any manner whatsoever.*

§ 2. POWERS ADDITIONAL TO OTHERS. The power and authority hereby vested are hereby declared to be additional to and not in limitation of any power and authority heretofore vested in said park commissioners or park authorities

§ 3. Whenever any such improvement shall be determined upon by said park commissioners or park authorities, they shall provide for the same by ordinance to be entered upon their records, and they shall by the same ordinance prescribe whether the same shall be made by special assessment or special taxation on contiguous property, or general taxation, or both, or otherwise.

§ 4. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by special assessment, the proceedings for the making and levying of the same shall be as provided hereinafter in this act.

§ 5. CHARACTER, ETC., OF IMPROVEMENT. Such ordinance providing for said improvement shall specify the nature, character, locality and description of such improvement.

§ 6. ESTIMATE OF COST. The said park commissioners or park authorities shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials and all

other expenses attending the same, and the cost of making and levying the said assessment, and shall enter a report thereof upon their records.

§ 7. ORDER FOR PROCEEDINGS IN COURT. Upon such ordinance being passed and said report made and recorded as aforesaid, said park commissioners or park authorities may order a petition to be filed by its secretary or such other officer as it may direct in the county court of their county for proceedings to assess the costs of such improvements in the manner provided herein.

§ 8. PETITION. Said petition shall be in the name of said park commissioners or park authorities, and shall recite the ordinance for the proposed improvement and such report of estimate of the cost thereof, and shall pray that the cost of such improvement shall be assessed in the manner provided by law.

§ 9. ASSESSMENT. Upon the filing of such petition it shall be the duty of said commissioners or park authorities to estimate what proportion of the total cost of said improvement will be of benefit to the public and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the district, subject to the maintenance of the park or parks under the control of said commissioners or park authorities, so that each shall bear its relative, equitable proportion, and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited.

§ 10. ASSESSMENT ROLL. The said commissioners or park authorities shall also make or cause to be made an assessment roll in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the said park district the amount they shall have found as public benefit, and they shall certify such assessment roll to the said court at least ten days before the first day of the term at which a final hearing thereon shall be had.

§ 11. CITY SPECIAL ASSESSMENT LAWS APPLICABLE. The remainder of the proceedings in respect to such special assessment shall be in accordance with Article IX of the act of the General Assembly entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and all acts amendatory thereof, so far as the same may be applicable, and all acts provided therein to be performed by the city or village shall be performed by the said park commissioners or park authorities, and all acts provided therein to be performed by commissioners to be appointed by the court shall also be performed by said park commissioners or park authorities, and where it is therein provided that the city council,

or the board of trustees, in case of a village, shall be named in any of said proceedings or notices or records relating thereto, the said park commissioners or park authorities shall be named instead, and like notices of said proceedings shall be given and published by said park commissioners as is therein provided, and an affidavit of one or more of said park commissioners or park authorities of the giving of notices, and a certificate of publication of notice be filed as provided therein, and the same time shall be allowed for the filing of objections to the confirmation on the part of parties interested.

§ 12. HEARING. In such proceedings the court shall have the same powers and authority as is provided in said Article IX for proceedings thereunder, and the hearing of the application for the confirmation of said assessment shall be had in the same manner and appeals from any judgment entered thereon shall be taken to the same court and in the same manner as provided therein.

§ 13. The said assessment roll and judgment thereon shall be certified to the officer of said park commissioners or park authorities authorized to collect said special assessment in the same manner as is provided in said Article IX, and a like notice shall be given by said collector, and said special assessment shall be collected in the same manner as provided therein, and a like report of delinquent list made to the general officer of the county authorized to collect State and county taxes, made up in the same manner as is provided therein.

§ 14. APPLICATION FOR JUDGMENT—WHAT LAWS GOVERN. Said general officer shall proceed to obtain judgment for said delinquent special assessment in the same manner and within and at the same time as is provided in said Article IX, and shall be governed by the same laws in respect thereto as is provided for therein.

§ 15. SALES. Sales of property for unpaid delinquent special assessments shall be made in the same manner as provided by said Article IX, and redemption from said sales shall be made in the same manner and upon the same terms and payment of the same rates as are applicable to sales therein provided for, and officers respectively making collections of said special assessment, and making sales thereunder, shall be subject to the same rules, regulations, be entitled to the same compensation and subject to the same penalties as is provided for in said Article IX.

§ 16. PARK COMMISSIONERS MAY BUY IN. Park commissioners or park authorities interested in the collection of any tax or assessment may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more officers, to be designated by them, to attend such sales and bid thereat in behalf of said park commissioners or park authorities.

§ 17. SUPPLEMENTAL ASSESSMENTS. New special assessments and supplemental special assessments may be levied and assessed

in all cases where the same are, or may be, authorized in said Article IX, and the same shall be levied, assessed and collected as is above provided in cases of original special assessments, and all the provisioning of said Article IX for said new assessments and supplemental assessments shall apply to such proceedings to be taken hereunder.

§ 18. CONTRACTS. All the provisions of said Article IX in respect to contracts for making any such improvement, and for the letting of such contracts, and in respect to the lien of said special assessments, and as to the collection by suit of said special assessments, the dividing the same into installments, and interest thereon, and the collection thereof, the payments thereon, the notice thereof, the confirmation thereof, and the payment of work done for such improvement, vouchers therefor and rights of all parties thereunder, the disposition of surplus moneys arising from such special assessments, and the payments for compensation in condemnation proceedings, and advancements to pay for private property taken or damaged from the general fund of such city or village, shall each and all be applicable to such proceedings taken by said park commissioners or park authorities.

§ 19. CONDEMNATION PROCEEDINGS—SPECIAL ASSESSMENT. Whenever any such park commissioners or park authorities shall be vested with power to take or damage private property for any purpose whatever, and shall apply to any court for the purpose of making just compensation therefor, they may file in the same proceedings a supplemental petition praying for a special assessment for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with the costs of the proceedings, and thereupon the court shall have power to and shall proceed as in other cases of special assessment provided for in said Article IX and herein: *Provided*, that all the provisions of said article in reference to the payment for lands to be taken or damaged, and the hearing by the court in respect to said payment, and in respect to ordering writs of possession, or in dismissing such condemnation proceedings, shall be applicable in such case.

§ 20. NEW ASSESSMENTS. Where, in any case such park board or park authorities having authority to improve any street or streets or parts thereof, and to pay for the improvement thereof by special assessment, and said improvement shall have been made or partly completed, and a special assessment levied therefor shall have been set aside by a court of competent jurisdiction, or the provision in any ordinance for the payment for said improvement by special assessment shall have failed or been declared void by any court of competent jurisdiction, then, and in any such case, the said park commissioners or park authorities are hereby vested with power to levy, assess and collect a new special assessment on property benefited by said improvement or completed portion thereof, in the same manner as in other cases, and the lots, blocks,



tracts or parcels of land found benefited by said improvement or the completed portion thereof, shall each severally be liable to pay for said benefits to the same extent and in the same proportion as in other cases: *Provided*, that the provisions and all proceedings in respect to such new assessments shall relate to and be in force in all cases in which, at the time of the passage of this act, work has been completed or partially completed under any special assessment proceedings or attempted special assessment proceedings heretofore levied or collected or attempted to be levied and collected by any such board of park commissioners or park authorities: *And, provided, further*, that such new assessments in such cases shall be levied within seven years from the date of confirmation, or attempted confirmation, of such original proceedings.

§ 21. In such proceedings for any new assessment, it shall be the duty of the said commissioners to credit on the assessment roll, at or before filing the same in court, all payments that may have been made on any previous assessment or installments thereof for said improvement by, for or on account of any lot, block, tract or parcel of land assessed therein, whether paid by sale thereof or otherwise, and any objections to the confirmation of such assessment roll shall include objections to the allowance of credits as appears by said assessment roll, if any there be.

§ 22. When the ordinance under which said improvements are ordered to be made shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

APPROVED June 24, 1895.

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TO ENABLE PARK COMMISSIONERS TO TAKE AND IMPROVE STREETS.

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| <p>§ 1. Streets taken by park commissioners, etc.</p> <p>§ 2. Special taxes—Special assessments.</p> <p>§ 3. Control by park commissioners.</p> <p>§ 4. Reversion.</p> | <p>§ 5. City, etc., may vest control in park commissioners.</p> <p>§ 6. Streets already taken included.</p> |
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AN ACT to enable Park Commissioners or park authorities to take, regulate, control and improve public streets, and to pay for the improvement thereof.

SECTION 1. STREETS TAKEN BY PARK COMMISSIONERS, ETC. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of park commissioners or park authorities shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporated city, town or village (?) by selecting and taking any connecting street or streets, or parts thereof, leading to such park,

boulevard or driveway, and shall also have power to accept and add to any parks or park under their control any street or parts thereof which adjoins or run parallel with any boundary line of the same: *Provided*, that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such parks, boulevard or driveway: *And, provided, further*, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such streets, so far as taken, shall be first obtained.

§ 2. SPECIAL TAXES—SPECIAL ASSESSMENTS. That such board of park commissioners or park authorities shall have power to improve such street or streets, or parts thereof, in such manner as they may deem best, and as they have or may hereafter have power to improve other streets under their control, and for that purpose they are hereby authorized to pay for the improvement thereof by levying, assessing and collecting a special tax on contiguous property abutting on said street or streets, or parts thereof, so improved, or a special assessment on property benefited in the manner in which said board of park commissioners or park authorities are now, or may be hereafter empowered by law, to levy, assess and collect special taxes on contiguous property, or special assessments for benefits in other cases, or to pay therefor by general taxation or both, but no such special tax, or special assessment, shall be levied for the maintenance and repair of such improved street, but the same shall be maintained and repaired by said park boards or park authorities as in other cases. And such special taxes, or special assessments, as are hereby authorized, may be divided into not exceeding four annual installments, bearing six per cent. per annum interest from the date of confirmation thereof by the court until paid, and the same shall be collected and enforced in the same manner as is, or may hereafter be, provided by law for the collection and enforcement of other special taxes, or special assessments, for or on account of said park commissioners or park authorities so far as the same is applicable.

§ 3. CONTROL BY PARK COMMISSIONERS. Such park boards or park authorities shall have the same power and control over the streets or part of streets so selected and taken, under this act as are now or may be hereafter vested in them, over and concerning parks, boulevards or driveways, or other streets.

§ 4. REVERSION. In case any such streets or parks thereof, shall pass from the control of any such park commissioners or park authorities, the power and authority over the same granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village respectively, as aforesaid.

§ 5. CITY, ETC., MAY VEST CONTROL IN PARK COMMISSIONERS. Any incorporated city, town or village in this State shall have full power and authority to invest any of such park commissioners or park authorities with the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

§ 6. STREETS ALREADY TAKEN INCLUDED. The provisions of this act so far as the same applies to improving, maintaining and repairing any street or streets or parts thereof, and of the levy, assessment and collection of special taxes and special assessments, shall apply to any street or streets or parts thereof, that have been heretofore selected and taken under the control of any park commissioners or other park authorities, and to any such street or streets or parts thereof which, or portions of which, have not yet been improved by such park commissioners or park authorities.

APPROVED June 21, 1895.

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## PRACTICE.

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### SUITS AGAINST INSURANCE COMPANIES.

§ 1. Amends section one (1) of the act of 1873 with reference to venue and direction of process.

AN ACT to amend section one (1) of an act entitled "An act concerning the jurisdiction of circuit courts in cases instituted against life and fire insurance companies," approved April 3, 1873, in force July 1, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "An act concerning the jurisdiction of circuit courts in cases instituted against life and fire insurance companies," approved April 3, 1873, in force July 1, 1873, be, and the same is hereby, amended to read as follows, viz.:

SECTION 1. The courts of record of the county wherein the plaintiff or complainant may reside shall have jurisdiction of all actions hereafter to be commenced by any individual against any insurance company, either incorporated by any law of this State or doing business in this State. And all process issued in any cause commenced in the county wherein the plaintiff may reside wherein an individual may be plaintiff or complainant and any such company defendant, may be directed to any county of this State for service and return.

APPROVED JUNE 21, 1895.

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RAILROADS AND WAREHOUSES.

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## FENCING AND OPERATING RAILROADS.

§ 1. Amends section 14 of the act of 1874 by adding provisions prohibiting the obstruction of highways for the purpose of receiving or discharging freight, or for taking in or setting out cars, and the throwing of missiles at any train, and providing a penalty therefor.

*AN ACT to amend section 14 of "An act in relation to fencing and operating railroads," approved March 31, 1874, in force July 1, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 14 of "An act in relation to fencing and operating railroads," approved March 31, 1874, be and the same is hereby amended so as to read as follows:

SECTION 14. No railroad corporation shall obstruct any public highway, by stopping any train upon, or by leaving any car or locomotive engine standing on its track where the same intersects or crosses such public highways, except for the purpose of receiving or discharging passengers or freight, or for taking in or setting out cars, or to receive the necessary fuel and water, and in no case to exceed ten minutes for each train, car or locomotive engine. Any person who shall throw any stone, or other hard substance at any railroad car, train or locomotive shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not more than \$200.00, and shall stand committed to the county jail until such fine and costs shall be paid.

APPROVED June 21, 1895.

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## LESSEES IN THIS STATE OF RAILROADS IN ADJOINING STATES.

§ 1. Amends section 1 of the act of 1875 by extending its provisions to roads incorporated under adjoining states, enables the sale as well as purchase of lessor's interests, and permits, under certain restriction, the purchase of railroads in this State.

*AN ACT to amend an act entitled "An act relating to lessees in this State of railroads in adjoining states," approved March 30, 1875, in force July 1, 1875.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an act entitled "An act relating to lessees in this State of railroads in adjoining states," be amended so as to read as follows:

SECTION 1. That all railroad companies incorporated or organized or which may be incorporated or organized under the laws of this State, or of this and any adjoining state, (or of any adjoining state) which now or at any time hereafter may be in possession of or operating connecting railroads in this State or states adjoining



ing this State under lease in perpetuity or for a period of not less than twenty years, shall have power to purchase or sell the remaining interests, property and franchises of the lessors of such railroads situated in this or in such adjoining states, on such terms and conditions as may be agreed upon by the parties or their assigns, to such lease: *Provided*, that the railroad company which purchases any railroad in this State shall operate such road and hold such property and franchises subject to all the rights, privileges, duties and obligations prescribed by the general railroad laws of this State enacted or which shall hereafter be enacted for the regulation, government, taxation or control of the railroads organized or which may be organized under the laws of this State: *And, provided, further*, that this act shall not be construed so as to permit such railroad company to purchase any parallel or competing line of railroad.

APPROVED June 24, 1895.

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#### RAILWAY STATIONS.

§ 1. Amends section 1 of the act of 1877 by compelling the erection of depots in all towns and villages having a population of 200, instead of 500.

*AN ACT to amend section one (1) of an act entitled "An act compelling railroad companies in this State to build and maintain depots for the comfort of passengers, and for the protection of shippers of freight at towns and villages on the lines of their roads."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "An act compelling railroad companies in this State to build and maintain depots for the comfort of passengers and for the protection of shippers of freight at towns and villages on the line of their roads," approved May 23, 1877, in force July 1, 1877, be and the same is amended to read as follows:

SECTION 1. That all railroads in this State carrying passengers or freight shall, and they are hereby required to, build and maintain depots for the comfort of passengers and for the protection of shippers of freight, where such railroad companies are in the practice of receiving and delivering passengers and freight, at all towns and villages having a population of two hundred (200) or more, on the line of their roads, and roads leased or operated by them.

APPROVED June 21, 1895.

## REFORMATORIES.

## HOME FOR JUVENILE FEMALE OFFENDERS.

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| <p>§ 1. Amends section 1 of the act of 1893 by reducing the number of trustees from 7 to 5, the number of women on the board from 4 to 2, vests in them the corporate powers of the Home, fixes their term of office, etc.</p> <p>§ 2. Eliminates provision as to term of office.</p> <p>§ 16. Includes felonies among offenses for which girls may be confined in Home.</p> <p>§ 17. Provides that upon conviction before magistrates, any responsible resident may petition court of record to commit girl to Home—Jury.</p> | <p>§ 24. Provides that superintendent shall be subject to regulations governing superintendent of State Reformatory instead of those governing superintendents of charitable institutions, and does not make it mandatory that superintendent be a woman.</p> <p>§ 27. Eliminates provision as to time in which girls may be placed in private homes—Repeal.</p> |
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*AN ACT to amend sections one, two, sixteen, twenty-four and twenty-seven, and to repeal sections seventeen, eighteen, twenty-three and twenty-nine of an act entitled "An act to provide for a State Home for Juvenile Female Offenders," approved June 22, 1893, in force July 1, 1893.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the State Home for Juvenile Female Offenders shall be under the control of five trustees, to be appointed by the Governor, two of whom may be women, one to be appointed for one year, one for two years and one for three years, and one to be appointed each year thereafter, to serve for three years. They shall hold office during the time for which they are appointed unless removed for cause by the Governor. They shall possess all the corporate and other powers, and be subject to all rules regulating the charitable institutions of this State and of the Illinois State Reformatory, so far as they may apply.

§ 2. TRUSTEES TO TAKE OATH—DUTIES—TERM OF OFFICE. The trustees shall take the oath of office prescribed by the Constitution of the State of Illinois, and shall perform the duties imposed upon them by law without any compensation for their services except their actual expenses incurred in the discharge of their official duties.

§ 16. PROVISIONS FOR INMATES. Whenever any girl between the ages of ten and sixteen years is convicted before any court of record of any offense which, if committed by an adult, would be punishable by confinement in any house of correction, county jail or in the penitentiary, such juvenile offender may be committed by the order of such court to the State Home for Juvenile Female Offenders for a time not less than one year nor beyond their minority: *Provided*, that when the offense is punishable by confinement in any house of correction or county jail, the court may, in the exercise of its discretion, commit such juvenile offender to the house of correction or county jail for the term authorized by law for the punishment of such offense.

§ 17. Whenever any girl between the ages of ten and sixteen years is convicted of any offense or misdemeanor by or before any justice of the peace, any responsible person who is a resident of any county in this State may petition the county court, or any court of record of the county in which said conviction was made, to have such girl sent to the said Reformatory for Female Juvenile Offenders, and if it shall be determined by a jury upon the hearing of said matter that said girl is a vagrant and without a proper home or means of subsistence, or lives with or frequents the company of reputed thieves or other vicious persons, or has been in a house of ill-fame, or in any prison or poor-house, or for any reason, whether in the interest of the girl or the public, she should be sent to said reformatory, said court shall thereupon send said girl to said reformatory and issue the proper writ therefor. The court shall, in said cases, have said girl before it and require such evidence as he shall deem proper. The said matters shall be heard and tried by a jury of six, to be summoned by the court, and the proceedings shall be the same as in section four of "An act to aid Industrial Schools for Girls," approved May 28, 1879, so far as said section applies.

§ 24. SUPERINTENDENT TO BE APPOINTED. The trustees shall appoint a superintendent for the home, who shall have the same powers, perform the same duties, and be subject to the same rules and regulations as is prescribed by law for the superintendent of the Illinois State Reformatory; said superintendent may be a woman.

§ 27. GIRLS CAN BE PLACED IN HOME OF CITIZEN, WHEN. Any girl committed under the provisions of this act may, by the trustees of said home, be placed in the home of any good citizen upon such terms and for such purpose as may be agreed upon, or she may be given to any suitable person of good character who will adopt her, or she may be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to follow any employment which, in the judgment of the trustees, will be for her advantage, and all and singular of the provisions of the law in relation to apprentices, so far as they are applicable, shall apply to and be binding upon the trustees, upon such girl, or upon the person to whom such girl is bound; any disposition made of any girl under this section shall not bind her beyond her minority. The trustees shall have a supervising care of such girl, to see that she is properly treated and cared for, and in case such girl is cruelly treated, or is neglected, or the terms upon which she was committed to the care and protection of any person are not observed, or in case such care and protection shall, for any reason, cease, then it shall be the duty of the trustees to take and receive such girl again into the custody, care and protection of said home.

Sections 17, 18, 23 and 29 of said act are hereby repealed.

APPROVED June 25, 1895.

## REVENUE.

## DELINQUENT LANDS—APPLICATION FOR JUDGMENT.

§ 1. Amends section 185 of the amended act of 1872 by providing that applications for judgment and order of sale shall be made at the June instead of the May term, except in counties having probate courts.

*AN ACT to amend section 185 of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30th, 1872, in force July 1st, 1872, as amended by an act approved May 3rd, 1873, in force July 1st, 1873.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 185 of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30th, 1872, in force July 1st, 1872, as amended by an act approved May 3rd, 1873, in force July 1st, 1873, be, and the same is hereby, amended to read as follows:

That all applications for judgment and order of sale for taxes and special assessments on delinquent lands and lots shall be made at the June term of the county court. If from any cause the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued, and it shall not be necessary to readvertise the list or notice required by law to be advertised before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter, and if judgment is rendered, the sale shall be made on the Monday specified in the notice as provided in section 182, such Monday to be fixed by the county collector in the notice. If for any cause the collector is prevented from advertising and obtaining judgment at said term, it shall be held to be legal to obtain judgment at any subsequent term of said court, but if the failure arises by the county collector's not complying with any of the requirements of this act, he shall be held on his official bond for the full amount of all taxes and special assessments charged against him: *Provided*, that any such failure on the part of the county collector shall not be allowed as a valid objection to the collection of any tax or assessment, or to a rendition of a judgment against any delinquent lands or lots included in the application of the county collector: *And, provided, further*, that on the application for judgment at such subsequent term, it shall not be deemed necessary to set forth or establish the reasons of such failure: *And, provided, further*, that in counties where probate courts have been or may hereafter be established, it shall be lawful to make such application for judgment and order of sale to the May term of the county court.

WHEREAS, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

This bill, having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSEN,  
Secretary of State.



## GENERAL LEVY FOR STATE PURPOSES.

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| <p>§ 1. Provides for the levying of \$2,500,000 per annum, for the fiscal years 1895 and 1896 for the "revenue," and \$1,000,000 per annum for the "school" fund.</p> | <p>§ 2. The Governor and Auditor to compute the necessary rates per cent.</p> |
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AN ACT to provide for the necessary revenue for State purposes.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That there shall be raised by levying a tax by valuation upon the assessed taxable property of the State, the following sums for the purposes hereinafter set forth: For general State purposes to be designated "revenue fund," the sum of two million, five hundred thousand (2,500,000) dollars upon the assessed value of property for the year A. D., 1895; two million, five hundred thousand (2,500,000) dollars upon the assessed value of property for the year A. D., 1896, and for State school purposes to be designated "State school fund," the sum of one million (1,000,000) dollars upon the assessed taxable property for the year, 1895, and the sum of one million (1,000,000) dollars upon the assessed taxable property for the year A. D., 1896, in lieu of the two-mill tax.

§ 2. The Governor and Auditor shall annually compute the several rates per cent. required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding, and when so ascertained, the Auditor shall certify to the county clerks the proper rates per cent. therefor, and also such definite rates for other purposes as are now, or may hereafter be, provided by law to be levied and collected as State taxes, and all laws and parts of laws in conflict with this act are hereby repealed.

This bill having remained with the Governor for a period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand, this 26th day of June, A. D., 1895.

W. H. HINRICHSSEN,  
Secretary of State.

## SALE OF DELINQUENT LANDS.

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| <p>§ 1. Amends the act of 1872 as follows:</p> <p>§ 201. Changes the time of beginning sale from 10 to 9 o'clock A. M.</p> <p>§ 202. Changes the manner of conducting sales, and inserts new provisions as to purchaser's intent.</p> | <p>§ 210. Of redemption—Amount.</p> <p>§ 213. Sales by mistake—Entry stating error—Emergency.</p> |
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AN ACT to amend sections two hundred and one (201), two hundred and two (202), two hundred and ten (210) and two hundred and thirteen (213) of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections two hundred and one (201), two hundred and two (202), two hundred

and ten (210) and two hundred and thirteen (213) of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be, and the same are, amended to read as follows:

SECTION 201. The collector, in person or by deputy, shall attend at the court-house in his county, on the day specified in the notice for the sale of real estate for taxes, and then and there, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, proceed to offer for sale, separately and in consecutive order, each tract of land or town or city lot in the said list on which the taxes, special assessments, interest or costs have not been paid. The sale shall be continued from day to day, until all the tracts or lots in the delinquent list shall be sold or offered for sale.

§ 202. The person at such sale offering to pay the amount due on each tract or lot for the least percentage thereon as penalty, shall be the purchaser of such tract or lot: *Provided*, that no bid shall be accepted for a penalty exceeding twenty-five (25) per cent. of the amount of such tax or special assessment.

§ 210. Real property sold under the provisions of this act may be redeemed at any time before the expiration of two years from the date of sale, by payment in legal money of the United States, to the county clerk of the proper county, the amount for which the same was sold, together with the amount of the penalty bid at such sale, if redeemed at any time before the expiration of six months from the day of sale. If between six and twelve months, the amount for which the same was sold together with twice the amount of the penalty bid; if between twelve and eighteen months, the amount for which the same was sold together with three times the amount of the penalty bid; and if between eighteen months and two years, the amount for which the same was sold together with four times the amount of the penalty bid at said sale. The person redeeming shall also pay the amount of all taxes and special assessments accruing after such sale with seven (7) per cent. penalty thereon, unless such subsequent tax or special assessment has been paid by or on behalf of the person for whose benefit the redemption is made and not by the purchaser at the tax sale, or his assignee, and it is hereby made the duty of the county clerk to include the amount of the subsequent taxes or special assessments paid by the purchaser or holder of the tax certificate in his certificate of redemption. If the real property of any minor heir, idiot or insane person shall be sold for non-payment of taxes or special assessments, the same may be redeemed at any time after sale and before the expiration of one year after such disability be removed upon the terms specified in this section, and upon the payment of ten (10) per cent. per annum, the amount due including penalties from and after the expiration of two years from the date of sale, which redemption may be made by themselves, or by any person in their behalf. Tenants in common, or joint tenants shall be allowed to redeem their individual

interests in real property sold under the provisions of this act, in the same manner and under the terms specified in this section for the redemption of other real property; any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be reimbursed by the person benefited.

§ 213. Whenever it shall be made to appear to the satisfaction of the county clerk that any tract or lot was sold, and that such tract or lot was not subject to taxation, or upon which the taxes or special assessments had been paid previous to the sale of said tract or lot, or arises from a double assessment, or that the description is void for uncertainty, he shall make an entry opposite to such tracts or lots in the sale and redemption record, that the same was erroneously sold, and such entry shall be *prima facie* evidence of the fact therein stated, and unless such error is disproved, the county collector shall, on demand of the owner of the certificate of such sale, refund the amount paid and cancel such certificate so far as it relates to such tract or lots. The collector shall take credit in settlement of his accounts thereafter with such officers as he may be liable to for their *pro rata* amounts respectively paid as aforesaid.

EMERGENCY. Whereas, an emergency exists, therefore this act shall be in force from and after its passage.

This bill, having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

#### TO ASSESS PROPERTY OF MUTUAL BUILDING LOAN AND HOMESTEAD ASSOCIATIONS.

§ 1. Amends the act of 1872 by adding thereto sections as follows:

§ 29a. Listing of stock.

§ 29b. Stock held by foreign residents  
—Lien.

§ 29c. Valuation.

§ 29d. Assessment—Emergency.

#### AN ACT in relation to the assessment of the property of Mutual Building, Loan and Homestead Associations.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30th, 1872, in force July 1st, 1872, be, and the same is hereby, amended by adding thereto the following, to be numbered section 29a, section 29b, section 29c, section 29d:

SECTION 29a. The stockholders of every mutual building, loan and homestead association for the purpose of building and improving

homesteads and loaning money to the members thereof only, whether such association is organized under the laws of this State or of any other state or territory of the United States, shall list for taxation with the local assessor where such stockholders reside, the number of shares of stock of such association owned by them respectively, and the value thereof on the first day of May in each year, and the same shall be assessed against such stockholders, and the taxes thereon collected in the same manner as on other personal property.

§ 29b. The shares of stock of all stockholders residing without this State of such associations shall be assessed by the local assessor where such associations are located, and, for the purpose of collecting the taxes thereon, a lien is hereby created upon such stock.

§ 29c. In determining the value of such stock for the purpose of taxation, the value of the real estate owned by such associations shall be first deducted from their assets and such real estate shall be assessed in the manner now provided by law.

§ 29d. The shares of stock and property of every such mutual building, loan and homestead association shall be assessed as herein provided and not otherwise.

Whereas, assessments are required to be made between the first day of May and the first day of July, 1895, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED April 30. 1895.

#### TO TAX GIFTS, LEGACIES, AND INHERITANCES.

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| § 1. Rate of tax.   | § 13. County court—Jurisdiction.                         |
| § 2. Estate for life or years.  | § 14. Unpaid tax—Powers, practice, etc.                  |
| § 3. Tax—when payable.  | § 15. Unpaid tax—enforcement and collection.             |
| § 4. Tax, how, when, and by whom payable.                                       | § 16. County judge and clerk—To notify county treasurer. |
| § 5. Powers of executors, administrators and trustees.                          | § 17. Expenses incurred under section 14.                |
| § 6. Payment of tax—Receipt.  | § 18. Public records—Furnished by State Treasurer.       |
| § 7. Real estate subject to tax—Duty of executors, administrators and trustees. | § 19. Collection and payment—Semi-annual report.         |
| § 8. Debts proved after distribution.   | § 20. County treasurer's fee.                            |
| § 9. Transfer of stocks or loans by foreign representative.                     | § 21. Receipt.   |
| § 10. Tax paid in error.  | § 22. Lien of collateral inheritance tax.                |
| § 11. Appraisement.   | § 23. Repeal.  |
| § 12. Misconduct of appraiser—Penalty.  |  |

*AN ACT to tax gifts, legacies and inheritances in certain cases and to provide for the collection of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: All property, real,*



personal and mixed which shall pass by will or by the intestate laws of this State from any person who may die seized or possessed of the same while a resident of this State or, if decedent was not a resident of this State at the time of his death, which property or any part thereof shall be within this State or any interest therein or income therefrom, which shall be transferred by deed, grant, sale or gift made in contemplation of the death of the grantor or bargainor or intended to take effect, in possession or enjoyment after such death, to any person or persons or to any body politic or corporate in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled in possession or expectation to any property or income thereof, shall be, and is, subject to a tax at the rate hereinafter specified to be paid to the treasurer of the proper county for the use of the State, and all heirs, legatees and devisees, administrators, executors and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. When the beneficial interests to any property or income therefrom shall pass to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of the son or the husband of the daughter, or any child or children adopted as such in conformity with the laws of the State of Illinois, or to any person to whom the deceased, for not less than ten years prior to death, stood in the acknowledged relation of a parent, or to any lineal descendant born in lawful wedlock, in every such case the rate of tax shall be one dollar on every hundred dollars of the clear market value of such property received by each person and at and after the same rate for every less amount, provided that any estate which may be valued at a less sum than twenty thousand dollars shall not be subject to any such duty or taxes, and the tax is to be levied in above cases only upon the excess of twenty thousand dollars received by each person. When the beneficial interests to any property or income therefrom shall pass to or for the use of any uncle, aunt, niece, nephew or any lineal descendant of the same, in every such case the rate of such tax shall be two dollars on every one hundred dollars of the clear market value of such property received by each person on the excess of two thousand dollars so received by each person. In all other cases the rate shall be as follows: On each and every hundred dollars of the clear market value of all property and at the same rate for any less amount; on all estates of ten thousand dollars and less, three dollars; on all estates of over ten thousand dollars and not exceeding twenty thousand dollars, four dollars; on all estates over twenty thousand dollars and not exceeding fifty thousand dollars, five dollars, and on all estates over fifty thousand dollars, six dollars: *Provided*, that an estate in the above case which may be valued at a less sum than five hundred dollars shall not be subject to any duty or tax.

§ 2. When any person shall bequeath or devise any property or interest therein or income therefrom to mother, father, husband,

wife, brother and sister, the widow of the son, or a lineal descendant during the life or for a term of years or remainder to the collateral heir of the decedent, or to the stranger in blood or to the body politic or corporate at their decease, or on the expiration of such term, the said life estate or estates for a term of years shall not be subject to any tax and the property so passing shall be appraised immediately after the death at what was the fair market value thereof at the time of the death of the decedent in the manner hereinafter provided, and after deducting therefrom the value of said life estate, or term of years, the tax transcribed by this act on the remainder shall be immediately due and payable to the treasurer of the proper county, and, together with the interests thereon, shall be and remain a lien on said property until the same is paid: *Provided*, that the person or persons or body politic or corporate beneficially interested in the property chargeable with said tax elect not to pay the same until they shall come into the actual possession or enjoyment of such property, or, in that case said person or persons or body politic or corporate shall give a bond to the people of the State of Illinois in the penalty three times the amount of the tax arising upon such estate with such sureties as the county judge may approve, conditioned for the payment of the said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of said property, which bond shall be filed in the office of the county clerk of the proper county: *Provided, further*, that such person shall make a full, verified return of said property to said county judge, and file the same in his office within one year from the death of the decedent, and within that period enter into such securities and renew the same for five years.

§ 3. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and interest at the rate of six per cent. per annum shall be charged and collected thereon for such time as said taxes is not paid: *Provided*, that if said tax is paid within six months from the accruing thereof, interest shall not be charged or collected thereon, but a discount of five per cent. shall be allowed and deducted from said tax, and in all cases where the executors, administrators or trustees do not pay such tax within one year from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in section two of this act for the payment of said tax, together with interest.

§ 4. Any administrator, executor or trustee having any charge or trust in legacies or property for distribution subject to the said tax shall deduct the tax therefrom, or if the legacy or property be not money he shall collect a tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon, and whenever any such legacy

shall be charged upon or payable out of real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay the same to the executor, administrator or trustee, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the said payment of said legacies might be enforced, if, however, such legacy be given in money to any person for a limited period, he shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of his accounts to make an apportionment, if the case requires it, of the sum to be paid into his hands by such legatees, and for such further order relative thereof as the case may require.

§ 5. All executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled to do by law, for the payment of duties of their testators and intestates, and the amount of said tax shall be paid as hereinafter directed.

§ 6 Every sum of money retained by any executor, administrator or trustee, or paid into his hands for any tax on any property, shall be paid by him within thirty days thereafter to the treasurer of the proper county, and the said treasurer or treasurers shall give, and every executor, administrator or trustee shall take, duplicate receipts from him of said payments, one of which receipts he shall immediately send to the State Treasurer, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and shall seal said receipt with the seal of his office and countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlements of his accounts, but the executor, administrator or trustee shall not be entitled to credit in his accounts or be discharged from liability for such tax unless he shall purchase a receipt so sealed and countersigned by the treasurer and a copy thereof certified by him.

§ 7. Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person or persons, or in trust for them, or some of them, it shall be the duty of the executor, administrator or trustee of such decedent to give information thereof in writing to the treasurer of the county where said real estate is situated, within six months after they undertake the execution of their expected duties, or if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

§ 8. Whenever debts shall be proved against the estate of the decedent after distribution of legacies from which the inheritant tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be repaid to him by the executor or adminis-

trator, if the said tax has not been paid into the State or county treasury, or by the county treasurer if it has been so paid.

§ 9. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this State standing in the name of decedent, or in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the treasury or treasurer of the proper county on the transfer thereof; otherwise the corporation forming such transfer shall become liable to pay such taxes, provided that such corporation has knowledge before such transfer that said stocks or loans are liable to such taxes.

§ 10. When any amount of said tax shall have been paid erroneously to the State treasury, it shall be lawful for him, on satisfactory proof rendered to him by said county treasurer of said erroneous payments, to refund and pay to the executor, administrator or trustee, person or persons, who have paid any such tax in error, the amount of such tax so paid: *Provided*, that all applications for the repayment of said tax shall be made within two years from the date of said payment.

§ 11. In order to fix the value of property of persons whose estate shall be subject to the payment of said tax, the county judge, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser as often as, or whenever, occasion may require, whose duty it shall be forthwith to give such notice by mail to all persons known to have or claim an interest in such property, and to such persons as the county judge may by order direct, of the time and place he will appraise such property, and at such time and place to appraise the same at a fair market value, and for that purpose the appraiser is authorized by leave of the county judge to use subpoenas for and to compel the attendance of witnesses before him, and to take the evidence of such witnesses under oath concerning such property and the value thereof, and he shall make a report thereof and of such value in writing to said county judge, with the depositions of the witnesses examined and such other facts in relation thereto, and to said matter as said county judge may by order require to be filed in the office of the clerk of said county court, and from this report the said county judge shall forthwith use and fix the then cash value of all estates, annuities and life estates or terms of years growing out of said estate, and the tax to which the same is liable, and shall immediately give notice by mail to all parties known to be interested therein. Any person or persons dissatisfied with the appraisement or assessment may appeal therefrom to the county court of the proper county within sixty days after the making and filing of such appraisement or assessment, on paying the given security proof to the county judge to pay all costs, together with whatever taxes that shall be fixed by said court. The said appraiser shall be paid by the county treasurer out of any funds he may have in his hands on account of said tax, on the certificate of the county



judge, at the rate of three dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

§ 12. Any appraiser appointed by this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors, he shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars and imprisoned not exceeding ninety days, and in addition thereto the county judge shall dismiss him from such service.

§ 13. The county court in the county in which the real property is situated, of the decedent who was not a resident of the State, or in the county of which the deceased was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act, and the county court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other.

§ 14. If it shall appear to the county court that any tax accruing under this act has not been paid according to law, it shall issue a summons summoning the persons interested in the property liable to the tax to appear before the court on a day certain not more than three months after the date of such summons, to show cause why said tax should not be paid. The process, practice and pleadings and the hearing and determination thereof, and the judgment in said court in such cases shall be the same as those now provided or which may hereafter be provided in probate cases in the county courts in this State and the fees and costs in such cases shall be the same as in probate cases in the county courts of this State.

§ 15. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the person interested in the property liable to pay said tax, to pay the same, he shall notify the State's Attorney of the proper county, in writing, of such refusal to pay said tax, and the State's Attorney so notified, if he has proper cause to believe a tax is due and unpaid, shall prosecute the proceeding in the county court in the proper county, as provided in section 14 of this act, for the enforcement and collection of such tax, and in such case said court shall allow as costs in the said case such fees to said attorney as he may deem reasonable.

§ 16. The county judge and county clerk of each county shall, every three months, make a statement in writing to the county treasurer of the county of the property from which, or the party from whom, he has reason to believe a tax under this act is due and unpaid.

§ 17. Whenever the county judge of any county shall certify that there was probable cause for issuing a summons, and taking

the proceedings specified in section 14 of this act, the State Treasurer shall pay or allow to the treasury of any county all expenses incurred for service of summons and his other lawful disbursements that has not otherwise been paid.

§ 18. The treasurer of the State shall furnish to each county judge a book in which he shall enter the returns made by appraisers, the cash value of annuities, life estates and terms of years and other property fixed by him, and the tax assessed thereon and the amounts of any receipts for payments thereof filed with him, which books shall be kept in the office of the county judge as a public record.

§ 19. The treasurer of each county shall collect and pay the State Treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor, of which collection and payment he shall make a report under oath to the Auditor of Public Accounts on the first Monday in March and September of each year, stating for what estate paid, and in such form and containing such particulars as the Auditor may prescribe, and for all said taxes collected by him and not paid to the State Treasurer by the first day of October and April of each year, he shall pay interest at the rate of ten per cent. per annum.

§ 20. The treasurer of each county shall be allowed to retain two per cent. on all taxes paid and accounted for by him under this act, in full for his services in collecting and paying the same, in addition to his salary or fees now allowed by law.

§ 21. Any person, or body politic or corporate shall upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county or the copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any deceased may have died seized, said tax has been paid and by whom paid, and whether or not it is in full of said tax and said receipt may be recorded in the clerk's office of said county in which the property may be situated, in the book to be kept by said clerk for such purpose.

§ 22. The lien of the collateral inheritance tax shall continue until the said tax is settled and satisfied: *Provided*, that said lien shall be limited to the property chargeable therewith: *And, provided, further*, that all inheritance taxes shall be sued for within five years after they are due and legally demandable, otherwise they shall be presumed to be paid and cease to be a lien as against any purchasers of real estate.

§ 23. All laws or parts of laws inconsistent herewith be, and the same are hereby, repealed.

APPROVED June 15, 1895.

## ROADS AND BRIDGES.

## COMMISSIONERS OF HIGHWAYS—EMINENT DOMAIN.

§ 1. Enables commissioners of highways to exercise the right of eminent domain to procure material for constructing roads.

*AN ACT to enable commissioners of highways to condemn lands under the right of eminent domain, for the purpose of procuring rock, gravel or other material for building or repairing public roads.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That commissioners of highways, for the purpose of constructing, maintaining or repairing gravel, rock or other roads, and for procuring material therefor, may enter upon lands of others, doing no more damage than the necessity of the case may require, and take therefrom such material as is necessary for the construction or repair of said roads: *Provided*, that such commissioners of highways, their employes or teams shall not enter upon such lands for the purpose stated in this act without having paid or tendered the amount of damages allowed or agreed upon: *And, provided, further*, if such commissioners of highways and the party or parties owning or controlling the lands to be entered upon or from which material is to be taken cannot agree as to the amount of damage or value of such material, that the amount of damage shall be determined as provided for in the law for exercising the right of eminent domain.

APPROVED June 21, 1895.

## DESTRUCTION OF NOXIOUS WEEDS.

§ 1. Amends the act of 1879 by adding thereto sections as follows:

§ 3. Commissioners of highways and county commissioners in counties not under township organization to destroy annually all noxious weeds.

§ 4. Failure to comply with provisions of act—Penalty.

§ 5. Expense, how paid.

*AN ACT to amend sections one (1) and two (2) of an act entitled "An act requiring the destruction of the cockle burr weed or plant," approved May 31, 1879, and by adding thereto sections 3, 4 and 5.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1) and two (2) of an act entitled "An act requiring the destruction of the cockle burr weed or plant," approved May 31st,

1879, in force July 1st, 1879, be amended, and sections three, four and five be added thereto, so that the same shall read as follows:

SECTION 3. The commissioners of highways in their respective towns, and the county commissioners in counties not under township organization, shall annually, at the proper season to prevent the spread of the same, destroy or cause to be destroyed, all cockle burrs Canada thistles, Russian thistle and all other kinds of thistles, or other noxious weeds, growing brush or plants growing on or upon their respective highways within their jurisdiction.

§ 4. The commissioners of highways of any town, and the county commissioners of any county not under township organization, failing to comply with the provisions of the preceding section of this act, shall be liable to a fine of not less than ten (10) dollars nor more than twenty-five (25) dollars for each season in which they neglect the requirements of this act, to be recovered in any proper form of action before any justice of the peace of the county where such neglect occurs.

§ 5. The expense of exterminating said weeds from the highways shall be paid from the road and bridge fund of the respective townships by the treasurer of the commissioners of highways, or in counties not under township organization to the county treasurer thereof, upon the filing with him by the commissioners of highways a sworn itemized statement of the cost and expenses thereof. Suit for the recovery of the fines herein provided for may be prosecuted for in the name of the township or county in which the highway or lands lie, and upon the filing of a complaint in writing, sworn to before any justice of the peace of said county by a taxpayer of the township or county where such highway or lands lie, and such fines, when collected, to be paid to the township treasurer of the respective townships, or in counties having no township organization to the county treasurer, for the use of the road and bridge fund of such town and county.

APPROVED June 21, 1895.

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TO PROVIDE A METHOD FOR THE ABOLITION OF THE POLL TAX.

§ 1. Amends section 11 of the act of 1883 by providing that the poll tax may be abolished by the voters of any town.

*AN ACT to amend section eleven (11) of an act entitled "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of an act therein named," approved June 23, 1883, in force July 1, 1883.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section eleven (11) of an act entitled "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of an act therein named," approved June 23, 1883, in force July 1, 1883, be, and is hereby, so amended so as to read as follows:*



SECTION 11. At this meeting they shall make out a list of able-bodied men in their town between the ages of twenty-one (21) and fifty (50) years and deliver the same to their treasurer on or before the first day of May in each year, assess at such meeting against such person upon such list a sum of not less than one (1) nor more than two (2) dollars, as a poll tax for highway purposes, to be paid to such treasurer by the first Monday of June of each year: *Provided*, that paupers, idiots, lunatics and such others as are exempt by law shall not be compelled to pay a poll tax for highway purposes: *Provided, also*, that this list shall not include persons within the limits of cities or incorporated villages. They shall within ten (10) days after such list is delivered to their treasurer cause written or printed notices to be given to each person so assessed, notifying him of the time when and place where such tax must be paid, and if this poll tax shall not be paid by the first Monday of June in such year it shall be the duty of the commissioners, in the name of the town, to bring suit therefor against such persons before some justice of the peace having jurisdiction thereof. Summons shall be issued and returned in the same manner as provided by law in other cases. If judgment is rendered against defendant the court shall find in such judgment that the same is for poll tax unpaid, and shall endorse the same on the execution, if one is issued. No property belonging to the defendant shall be exempt from levy to satisfy such execution: *Provided, also*, that on petition of not less than twenty-five (25) legal voters of any town in this State in counties where township organization has been or may be hereafter adopted, asking to have the proposition to abolish the poll tax submitted to the legal voters of said town, and file with the town clerk not less than fifteen (15) days before the regular town meeting of said board, then the town clerk shall state in the notice of the annual town meeting that the legal voters of such town may vote by ballot for or against the payment of a poll tax, and if a majority of all the ballots cast are against the payment of a poll tax, then that part of this section which provides for the levying of a poll tax shall no longer be in force in such town.

APPROVED June 21, 1895.

## SCHOOLS.

### KINDERGARTEN SCHOOLS.

§ 1. School districts, upon authorization by a majority of votes cast at an election for that purpose, to establish kindergarten schools.

§ 2. Teachers' certificates.

AN ACT authorizing school districts managed by boards of education and directors to establish and maintain kindergarten schools.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That in addition to*

other grades or departments now established and maintained in the public schools of the State, any school district managed by a board of education or a board of directors is hereby empowered when authorized by a majority of all the votes cast at an election for that purpose, such election to be called and held in accordance with the provisions of Article IX of an act entitled "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, to establish in connection with the public schools of such district, a kindergarten or kindergartens for the instruction of children between the ages of four and six years, to be paid for in the same manner as other grades and departments now established and maintained in the public schools of such district. No money accruing to such district from the school tax fund of the State shall be used to defray the tuition or other expenses of such kindergarten but the same shall be defrayed from the local tax and the special school revenue of said district.

§ 2. All teachers in kindergartens established under this act shall hold a certificate issued as provided by law, certifying that the holder thereof has been examined upon kindergarten principles and is competent to teach the same.

APPROVED April 17, 1895.

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#### TEACHERS.

§ 1. Amends section 3 article VII of the act of 1889, by inserting provisions respecting teachers of special studies.

*AN ACT to amend section three of article seven of an act entitled "An act to establish and maintain a system of free schools," approved and in force May 21, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three of article seven of an act entitled "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, be, and the same is hereby, amended so as to read as follows:

SECTION 3. It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found qualified. Said certificates shall be of two grades; those of the first grade shall be valid in the county for two years, and shall certify that the person to whom such certificate is given is of good moral character, and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States, physiology and the laws of health. Certificates of the second grade shall be valid for one year and shall certify that the person to whom such certificate is given is of good moral character and is qualified to teach orthography,

reading in English, penmanship, arithmetic, English grammar, modern geography and the history of the United States: *Provided*, that teachers exclusively teaching music, drawing, penmanship, bookkeeping, German or any other special study shall not be required to be examined except in reference to such special study, and in such cases it shall not be lawful to employ such teachers to teach any branch of study except such as they have been examined upon, and which shall be stated in the certificate. The county superintendent may, in his option, renew said certificates at their expiration by his endorsement thereon, and may revoke the same at any time for immorality, incompetency or other just cause. Said certificates may be in the following form, viz.:

....., Illinois, ....., A. D....

The undersigned, having examined.....in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the history of the United States and methods of teaching, and being satisfied that.....is of good moral character, hereby certifies that.....qualifications in the above branches are such as to entitle.....to this certificate, being of the....grade, and valid in said county for....year....from the date hereof, renewable at the option of the county superintendent by his endorsement thereon.

Given under my hand and seal at the date aforesaid.

A. B.,

County Superintendent of Schools.

APPROVED June 21, 1895.

#### TEACHERS' PENSION AND RETIREMENT FUND.

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| § 1. Teachers' and employé's pension and retirement fund in certain cities—How created. | § 5. Powers of trustees.                          |
| § 2. Board of trustees—Administration and investment of fund.                           | § 6. Special fund—How created—How and when drawn. |
| § 3. Retirement.  | § 7. Custodian of fund.                           |
| § 4. Annuity.   | § 8. Removals—Contributions refunded to teachers  |

*AN ACT to provide for the formation and disbursement of a public school teachers' and public school employé's pension and retirement fund in cities having a population exceeding one hundred thousand inhabitants.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the board of education, in cities having a population exceeding one hundred thousand inhabitants, shall have power, and it shall be the duty of said board, to create a public school teachers' and public school employé's pension and retirement fund, and for that purpose set apart the following moneys, to-wit:

1. An amount not exceeding one per cent. per annum of the respective salaries paid to teachers and school employés elected by such board of education, which amount shall be deducted in equal installments from said salaries at the regular times for the payment of such salaries.

2. All moneys received from donations, legacies, gifts, bequests, or otherwise, on account of said fund.

3. All moneys which may be derived from any and all sources: *Provided, however,* that no taxes shall ever be levied or an appropriation of public money be made for said fund except as herein provided.

§ 2. The board of education together with the superintendent of schools, and two representatives to be selected annually by the teachers and employés of the public schools under control of said board, shall form a board of trustees, a majority of whom shall determine the amount to be deducted from the salaries paid to teachers and employés as aforesaid, and shall have charge of, and administer said fund and shall have power to invest the same as shall be deemed most beneficial to said fund, in the same manner and subject to the same terms and conditions as township treasurers are permitted to invest school funds in article four (4) of an act entitled "An act to establish and maintain a system of free schools," in force May 4, 1889, and shall have power to make payments from said fund of annuities granted in pursuance of this act, and shall from time to time make and establish such rules and regulations for the administration of said fund as they shall deem best.

§ 3. Said board of education shall have power by a majority vote of all its members to retire any female teacher or other female school employé who shall have taught in public schools, or rendered service therein, for a period aggregating twenty years, and any male teacher or male school employé who shall have taught or rendered service for a period aggregating twenty-five years, and such teacher or school employé also shall have the right after said term of service to retire and become a beneficiary under this act: *Provided, however,* that three-fifths of said term of service shall have been rendered by said beneficiary within the limits of the municipality where said board of education has jurisdiction.

§ 4. Each teacher and school employé so retired or retiring shall thereafter be entitled to receive as an annuity one-half of the annual salary paid to said teacher or employé at the date of such retirement, said annuity to be paid monthly during the school year: *Provided, however,* that such annuity shall not exceed the sum of six hundred dollars (\$600) which shall be paid by said board of education out of the fund created in accordance with this act, in the manner provided by law for the payment of salaries.



§ 5. Said board of trustees is hereby given the power to use both the principal and income of said fund for the payment of annuities hereinbefore mentioned, and shall have power to reduce, from time to time, the amount of all annuities: *Provided*, that such reduction shall be at the same rate in all cases.

§ 6. The president and secretary of such board of education shall certify monthly to the city treasurer all amounts deducted from the salaries of teachers, special teachers, principals and employés of the board of education, in accordance with the provisions of this act, which amount, as well as all other moneys contributed to said fund, shall be set apart and held by said treasurer as a special fund, for the purposes hereinbefore specified, subject to the order of said board of education, superintendent of schools, and two representatives, as aforesaid, and shall be paid out upon warrants signed by the president and secretary of said board of education.

§ 7. The city treasurer shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of said board of trustees, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the said board. And said books and accounts shall always be subject to the inspection of the said board or any member thereof. The treasurer shall within ten days after his election or appointment, execute a bond to the city with good and sufficient securities in such penal sum as the said board shall direct to be approved by the said board, conditioned for the faithful performance of the duties of his office, and that he will safely keep, and well and truly account for all moneys and profits which may come into his hands as such treasurer, and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come into his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of said city for the use of said board of trustees or of any person or persons injured by such breach.

§ 8. No teacher or other school employé, who has been or who shall have been elected by said board of education, shall be removed or discharged, except for cause upon written charges, which shall be investigated and determined by the said board of education, whose action and decision in the matter shall be final. If at any time a teacher or school employé who is willing to continue is not re-employed or is discharged before the time when he or she would under the provisions of this act be entitled to a pension, then such teacher or school employé shall be paid back at once all the money, with interest, he or she may have contributed under the law.

APPROVED May 31, 1895.

## TOWNSHIPS—TRUSTEES OF SCHOOLS.

§ 1. Amends section 2, article III, of the act of 1889, by providing for consolidation whenever any fractional townships contain less than 200 instead of 40 minor inhabitants.

*AN ACT to amend section two, article three of "An act to establish and maintain a system of free schools," approved and in force May 21, 1889.*

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section two, article three of "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, be amended to read as follows:

SECTION 2. Whenever any fractional township contains less than two hundred (200) persons under twenty one (21) years of age the trustees thereof, upon petition of a majority of the adult inhabitants of such fractional township may, by written agreement, entered into with the board of trustees of any adjacent township, consolidate the territory school funds and other property of such fractional township, with such adjacent township, and thereafter shall cease to exercise the functions of school trustees for such fractional township, and such territory school funds and other property aforesaid shall thereafter be managed by the board of trustees of such adjacent and consolidated township, in accordance with the terms of agreement aforesaid, in the same manner as is or may be provided by law for the management of territory funds and other property of school townships: *Provided*, that the said written agreement shall only be signed by a majority of the said trustees and filed for record by the said trustees in the office of the county clerk of the county in which such consolidated township, or greater part thereof, is situated.

APPROVED June 21, 1895.

## SLANDER AND LIBEL.

## IN RELATION TO LIBEL.

§ 1. Action against newspapers—Only actual damages to be recovered—Retraction.	§ 2. Exemplary or punitive damages—Retraction.
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*AN ACT in relation to libel.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any action brought for the publication of a libel, in any newspaper in this State, the plaintiff shall recover only actual damages if it shall appear at the trial of such action that such publication was made in good faith and that there were reasonable grounds for believing that the statements set forth in such publication were true, and

that its falsity was due to mistake or misapprehension of facts, and that in the next two regular issues of said newspaper, after said mistake or misapprehension was brought to the knowledge of the publisher or publishers of such newspaper, whether before or after suit brought, a correction or retraction was published in as conspicuous a manner and place in said newspaper as was the libel.

§ 2. No exemplary or punitive damages shall be recovered in any action brought for the publication of a libel in any newspaper in this State, unless the plaintiff shall, before bringing suit, give notice in writing to the defendant to publish a retraction or correction of the libel, and shall, before bringing suit, allow the defendant a reasonable time in which to publish such retraction or correction. Proof of publication of such retraction or correction shall be admissible in evidence, under the general issue, in mitigation of damages and in evidence of the good faith of the defendant, provided that the retraction or correction shall be published in as conspicuous a manner and place in said newspaper as was the libel: *Provided*, that the provisions of this act shall not apply to the case of any libel against any candidate for a public office in this State, unless the retraction of the charge is made editorially in a conspicuous manner at least ten (10) days before the election.

APPROVED June 24, 1895.

## STATE MILITIA.

### ENROLLMENT OF THE NATIONAL GUARD.

§ 1. Amends section 3, article 1 of the Military Code, by making allowance for an additional battalion of infantry.

*AN ACT to amend section 3, article 1, of an act to provide for the organization of the State militia and entitled "The Military Code of Illinois approved May 28, 1879, in force July 1, 1879."*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3, article 1, of an act entitled "An act to amend section 3, article 1, of an act to provide for the organization of the State militia and entitled 'The Military Code of Illinois,' approved May 28, 1879, in force July 1, 1879," be amended to read as follows:

"[SECTION 3.] "The active militia shall be designated as the 'Illinois National Guard,' and shall consist of not more than eighty-eight (88) companies of infantry, two batteries of artillery, and two troops of cavalry, to be organized into brigades, regiments, battalions and companies, and shall be recruited by volunteer enlistments. The Commander-in-Chief may transfer, consolidate, muster out, disband, and make such other changes in the organi-

zation of the Illinois National Guard, from time to time, as the best interests of the service may require. Enlistments therein shall be for three years, re-enlistments, after three years' service, for one or more years, and shall be made by signing enlistment papers prescribed by the Adjutant General, and by taking the following oath or affirmation, which may be administered by any commissioned officer, to-wit:

"You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois, and you will support the Constitution thereof; that you will serve the State of Illinois faithfully in its military service for the term of three years unless sooner discharged, or you cease to be a citizen thereof; that you will obey the orders of the Commander in Chief and such officers as may be placed over you, and the laws governing the military forces of the State of Illinois, so help you God."

APPROVED June 21, 1895.

## TOWNSHIP ORGANIZATION.

### ASSESSORS—TOWNSHIP BOARD—ELECTION.

§ 1. Amends section 1 of the act of 1893 by reducing the maximum population of townships affected, from 100,000 to 80,000.

*AN ACT to amend section one (1) of an act entitled "An act to provide for the election of assessors in townships containing not less than forty thousand (40,000) and not more than one hundred thousand (100,000) inhabitants, in counties under township organization, and fixing the compensation of such assessors," approved June 19, 1893, in force July 1, 1893.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled "An act to provide for the election of assessors in townships containing not less than forty thousand (40,000) and not more than one hundred thousand (100,000) inhabitants in counties under township organization, and fixing the compensation of such assessors," approved June 19, 1893, and in force July 1, 1893, be and the same is hereby amended to read as follows:

On the first Tuesday of April in the year of 1894 there shall be elected in townships containing a population of not less than forty thousand (40,000) nor more than eighty thousand (80,000) inhabitants, in counties under township organization, a board of three (3) assessors, one of which shall hold his office for the term of one year, one for the term of two years, and one for the term of three years, which respective terms shall be determined among them by lot in the presence of the town clerk after the result of such election had been canvassed and declared and before such



assessors have been qualified, and the result of such determination by lot shall be duly recorded by such town clerk in the township records; that after such first election one member of such board shall be elected each year at the annual town election, who shall hold his office for a term of three years and until his successor is duly elected and qualified; that the compensation of such assessors shall be one thousand two hundred dollars (\$1,200) per annum each, payable quarterly on the order of the town board of auditors.

APPROVED June 21, 1895.

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COMMISSIONERS OF HIGHWAYS.

Amend section 16, of Article 1, of the Act of 1874, by providing for the subdivision of townships into three road commissioners' districts.

*AN ACT to amend section sixteen (16) of article one (1) of an act entitled "An act to revise the law in relation to township organization," approved and in force March 4, 1874.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixteen (16) of an act entitled "An act to revise the law in relation to township organization," approved and in force March 4, 1874, be and the same is hereby amended so as to read as follows:

SECTION 16. Of the commissioners of highways elected at the first election one shall hold his office for one year and one for two years and the other for three years, to be determined between them by lot before entering upon the duties of their office and until their respective successors are elected and qualified, and it shall be the duty of the commissioners of highways, together with the town clerk and supervisor, to meet within ten days after the next town meeting after the passage of this act in each town and divide each township into three districts, to be known as road commissioners' districts numbers one, two and three, dividing the township as near into three equal divisions as possible, taking into consideration extent of territory and population in making and forming boundaries of such districts and a plat of each district to be filed in the office of the town clerk of said town. The purpose of such division is to have the different portions of each township represented by a commissioner of highways who is a resident of such district, and when a vacancy occurs such vacancy shall be filled either by election or appointment, as the case may be, by a resident of said district where such vacancy occurs.

APPROVED June 21, 1895.

## POWERS OF COUNTY BOARD.

§ 1. Amends section 1 of the amended act of 1874, by providing for alteration of boundaries in creation of new town upon petition of three-fourths of the legal voters residing in a territory of not less than ten square miles.

*AN ACT to amend section one of article three of "An act to revise the law in relation to township organization," approved and in force March 4, 1874, as amended June 4, 1889, in force July 1, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one of article three of "An act to revise the law in relation to township organization," approved and in force March 4, 1874, and amended June 4, 1889, in force July 1, 1889, be amended so as to read as follows:

SECTION 1. The county board of each county shall have full and complete power and jurisdiction to alter the boundaries of towns, to change town lines, and to divide, enlarge and create new towns, in their respective counties, to suit the convenience of the inhabitants residing therein, and it shall be the duty of the county board to make such alterations of the town boundaries and create a new town whenever in any territory of not less than ten square miles not less than three-fourths of the voters residing in such territory shall petition for such new town: *Provided, however,* the county board shall give notice thereof by posting up notices in not less than five of the most public places of the town interested, at least sixty days before their final action; also, by publishing such notice at least three times in some newspaper published in the county wherein said towns are situated, if any shall be published therein: *Provided, further,* that no incorporated town shall be divided, except consent thereto is given by a majority of all the electors in said town, notice that the question of dividing said town will be submitted to the legal voters thereof having been given by the county clerk at the same time and in the same manner as the notice of said general election.

APPROVED June 21, 1895.

## TRADE MARKS.

## PROTECTION OF

§ 1. Amends the act of 1891 by rewriting sections as follows:

§ 1. Protection of label, trade mark, term, design, device or form of advertisement.

§ 2. Penalties for counterfeiting, etc.

§ 3. Filed and recorded in the office of the Secretary of State.

*AN ACT to amend sections one (1), two (2) and three (3) of an act entitled "An act to protect associations, unions of working men and persons in their labels, trade marks and forms of advertising," approved May 8, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1), two

(2) and three (3) of an act entitled "An act to protect associations, unions of workmen and persons in their labels, trade marks and forms of advertising," approved May 8, 1891, in force July 1, 1891, be, and the same are hereby, amended so as to read as follows, to-wit:

SECTION 1. Whenever any person, or any association or union of workmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known or distinguishing any goods, wares, merchandise or other product of labor as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workmen, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such labels, trade mark, term, design, device or form of advertisement.

§ 2. Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement, or sells, offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trade mark, term, design, device, or form of advertisement, or knowingly uses any such counterfeit or imitation, or knowingly sells or disposes of or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which any such counterfeit or imitation is attached or affixed, or on which any such counterfeit or imitation is printed, painted, stamped or impressed, or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor, in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not less than one hundred (100) dollars, nor more than two hundred (200) dollars, or by imprisonment for not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment.

§ 3. Every such person, association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade mark, term, design, device or form of advertisement, as provided in section one (1) of this act shall file the same for record in the office of the Secretary of State, by leaving two (2) copies, counterparts or fac-similes thereof with said Secretary, and by filing therewith a sworn statement specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, the class

of merchandise and a particular description of the goods to which it has been or is intended to be appropriated, that the party so filing, or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac-simile copies or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one (1) dollar. Any person who shall for himself, or on behalf of any other person, associations or union, procure the filing of any label, trade mark, term, design, device or form of advertisement in the office of the Secretary of State, under the provisions of this act, by making any false or fraudulent representations or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be punished by a fine not exceeding two hundred (200) dollars or by imprisonment not exceeding one year, or both such fine and imprisonment. The Secretary of State shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said Secretary shall receive a fee of one (1) dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade mark, term, design, device or form of advertisement. Said Secretary of State shall not record for any person, union or association any label, trade mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

APPROVED June 13, 1895.

## UNITED STATES FLAGS.

### TO BE PLACED ON PUBLIC BUILDINGS.

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| <p>§ 1. On school houses, colleges and educational institutions.</p> <p>§ 2. County boards to provide flags.</p> <p>§ 3. On penal, reformatory and State charitable institutions.</p> | <p>§ 4. Penalty.</p> <p>§ 5. Prosecutions under this act.</p> |
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*AN ACT to provide for placing United States national flags on school houses, court houses and other public buildings in the State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That it shall be*



the duty of all school directors and boards of education of all public schools in the State, and trustees and boards of directors of all colleges and educational institutions of every description in this State, whether State, county, municipal, district, sectarian or private to provide United States national flags of not less than four by eight feet in size, and cause the same to be unfurled and kept floating from a suitable flag-staff to be placed on the top of all public school houses, college buildings and all buildings used for educational purposes in this State, whether the same be conducted by the State, or by county, township, municipal, district, sectarian, corporation or private authority, on each and every day when such schools, colleges and educational institutions are in session, from nine o'clock A. M. to four o'clock P. M., in each and every year.

§ 2. It shall be the duty of the board of supervisors in counties under township organization, and the board of commissioners in counties not under township organization, to provide United States national flags of not less than four by eight feet in size, to be unfurled and kept floating from a suitable flag-staff to be placed on the top of the court house in their respective counties, and it is hereby made the duty of the sheriff of each and every county in the State to see that the flag so provided shall be hoisted on its flagstaff above the court house and kept floating from eight o'clock A. M. to five o'clock P. M., on each and every day of the year.

§ 3. The commissioners and trustees of all penal and reformatory and State charitable institutions of this State shall provide United States national flags of not less than ten by twenty feet in size and cause the same to be unfurled and kept floating above the said penal and reformatory and State charitable institutions or on a suitable flag pole, in each and every day in the year, from eight o'clock A. M. to five o'clock P. M.: *Provided*, that the flags used by any and all of the State institutions, as provided for in this act, shall be paid for out of the funds appropriated for the running expenses of said institutions, the same as other necessary supplies are bought and paid for: *And, provided, further*, that flags for use over public school buildings and court houses are hereby declared to be necessary supplies and may be paid for out of the public funds of the respective school districts and counties.

§ 4. If any of the persons named in this act, whose duty it shall be to provide flags for and have the same placed in position over the several buildings, as provided for in this act, shall refuse or neglect to so provide flags and have them placed in position as required by this act, or if the sheriff of any county in this State shall refuse or neglect to place the flag so provided in position over the court house in the county in which he is sheriff, shall each and every one of them, be deemed guilty of a misdemeanor, and on conviction thereof be fined not less than three nor more than ten dollars and costs of suit for each and every day that they shall so neglect or refuse to comply with the provisions of this act.

§ 5. Prosecutions under this act shall be by complaint or information and be tried by any court of competent jurisdiction under the same rules as other misdemeanors: *Provided*, that fines collected under this act shall be paid into the school fund of the district and into the county treasury of the county wherein this act has been violated: *And, provided, further*, that State's Attorneys shall be entitled to a fee of five dollars for each conviction under this act, to be collected as part of the cost of the suit, except where an appeal is taken from the justice's court to county or circuit court, then in that case the State's Attorney shall be entitled to ten dollars for each conviction, to be collected as part of the costs of the suit.

This bill, having remained with the Governor for a period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
*Secretary of State.*

#### ON SCHOOL HOUSES.

§ 1. To be upon all public school houses, or within the school grounds. | § 3. Penalty.

§ 2. Expenses—How paid.

**AN ACT** to require the United States flag to be placed upon all public buildings in Illinois, or upon a flag pole erected within the school grounds surrounding such school buildings.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the directors or board of education of every school district in the State of Illinois, shall have power, and it is hereby made their duty, to cause to be erected and to keep in repair upon all public school houses or within the school grounds surrounding such public school buildings, which may be in their respective school districts, a good and sufficient flag-staff or pole, together with all necessary adjustments, and that they shall provide a United States flag of suitable proportions, which shall be floated from such flag-staff or pole during the school hours of such days as the school may be in session, and as a majority of the pupils attending said school may determine: *Provided*, that the flag shall not be hoisted during any day when a violent storm or inclement weather would destroy or materially injure such flag.

§ 2. Such flag-staff or pole adjustments and repairs and all necessary flags shall be paid for from any school moneys not otherwise appropriated, which may be in the hands of the township treasurer for the use of any school district in which such expenditures have been made.

§ 3. Any person or persons, who shall willfully injure, deface or destroy any flag, flag-staff or pole, or adjustments attached thereto, erected and arranged for the purpose of carrying out the

requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one (1) dollar nor more than fifteen (15) dollars.

This bill, having remained with the Governor for a period of ten days, Sundays excepted, after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

## UNIVERSITIES, COLLEGES, ACADEMIES, ETC.

### ANNUAL INSPECTIONS OF EDUCATIONAL INSTITUTIONS.

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| <p>§ 1. Institutions at which U. S. Army officer is detailed declared posts of National Guard.</p> <p>§ 2. Teachers commissioned as staff officers in National Guard—Rank.</p> | <p>§ 3. Committee to visit departments.</p> <p>§ 4. Graduates to be breveted second lieutenants.</p> |
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*AN ACT to provide for the annual inspection of the several departments of the universities, colleges, academies and other educational institutions organized under the laws of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any university, college, academy, or other educational institution, regularly incorporated under and by virtue of the laws of the State of Illinois, wherein military science and instruction are made a part of the courses of study, and are regularly taught in said institution, and wherein there is detailed by the War Department, at Washington, D. C., an officer from the U. S. Army as professor of military science and tactics, the Governor of Illinois is hereby authorized, on the application of the said university, college, academy or other educational institution, signed by the chancellor, president, superintendent, or other presiding officer, under the seal of the said institution, to declare the said institution a post of the Illinois National Guard.

§ 2. The Governor is hereby authorized and directed to appoint and commission as staff officers of the Illinois National Guard, the officers of the said university, college, academy or other educational institution, as follows: The chancellor, president, superintendent, or other presiding officer, as colonel; the vice-president, principal or other officer second in authority, lieutenant-colonel; the commandant, or officer in charge of the military department, as major; the quartermaster as major, the surgeon as major, the adjutant as captain, the assistant surgeon as captain, and the male professors, members of the faculty, as captains.

§ 3. The Governor shall annually appoint a committee of three members, one of whom shall be appointed on the recommendation of the Adjutant General, one on the recommendation of the State Superintendent of Public Instruction, and one on the recommendation of the president of the State Board of Health, with a view to their proficiency in the several departments indicated, and the said committee shall during the school year, and while the said institutions are in session, visit all of the said educational institutions so declared posts of the Illinois National Guard, and make a thorough inspection of their military departments, their discipline, courses of study and educational department, and their sanitary condition, and report to the Governor the result of said inspection.

§ 4. The graduates of the said university, college, academy or other educational institution, shall be eligible to appointment as brevet second lieutenants in the Illinois National Guard, and may be commissioned as such and assigned to companies at the discretion of the Governor, upon the recommendation of the inspecting officers and of the commanding officer of the company to which any graduate may be assigned, not exceeding one to each company.

This bill, having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 26th day of June, A. D. 1895.

W. H. HINRICHSSEN,  
Secretary of State.

#### STATE SCHOLARSHIPS IN UNIVERSITY OF ILLINOIS.

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| § 1. Scholarship to be awarded annually to each county. | § 6. Candidates eligibility.                                 |
| § 2. Competitive examination.                           | § 7. Leave of absence to earn funds.                         |
| § 3. Questions.   | § 8. Notices of examination.                                 |
| § 4. Candidates failing to pass or to claim privileges. | § 9. Students to be subject to all rules, requirements, etc. |
| § 5. Certificate of examination.                        | § 10. Construction of act—Free scholarships.                 |

**AN ACT** to provide for state scholarships in the University of Illinois, and the manner of awarding the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That to equalize the advantages of the University of Illinois to all parts of the State, there shall be awarded annually, as hereinafter provided, to each county of the State one State scholarship, which shall entitle the holder thereof, who shall be a resident of the senatorial district to which he is accredited, to instruction in any or all departments of said University of Illinois for a term of four years, free from any charge for tuition or any incidental charge, unless such incidental charges shall have been made for materials used or for damages needlessly done to property of the university: *Provided,*



that in counties having two or more senatorial districts there shall be awarded annually one additional scholarship for each of said senatorial districts.

§ 2. A competitive examination under the direction of the Superintendent of Public Instruction shall be held at the county court house in each county of the State upon the first Saturday of June in each and every year by the county superintendent of schools, upon such branches of study as said Superintendent of Public Instruction and the president of said university may deem best.

§ 3. Questions for such examinations shall be prepared and furnished by the president of the university to the Superintendent of Public Instruction, who shall attend to the printing and distribution thereof to the several county superintendents of schools prior to such examinations.

§ 4. In case any candidate who shall be awarded a scholarship shall fail to pass the entrance examination to the university, or shall fail to claim the privileges of such scholarship, or, having claimed the privileges, shall be expelled, or for any reason shall abandon his right to or vacate such scholarship, either before or after entering thereupon, then the candidate certified to be next entitled in the same county shall become entitled to the same. In case any scholarship belonging to any county shall not be claimed by any candidate resident in that county, the Superintendent of Public Instruction may fill the same by appointing some candidate first entitled to a vacancy in some other county, after notice has been served upon the county superintendent of said first mentioned county.

§ 5. The county superintendents shall, within ten days after such examination, make and file in the office of the Superintendent of Public Instruction certificates, in which they shall name all the candidates examined and specify the order of their excellence, and such candidates shall, in the order of their excellence, become entitled to the scholarships belonging to their respective counties. The examination papers handed in by each candidate shall also be filed with the certificate of examination.

§ 6. Candidates, to be eligible to said scholarship, shall be at least sixteen years of age, and shall have been *bona fide* residents of their respective counties for at least one year immediately preceding the examination.

§ 7. Any student holding a State scholarship, and who shall make it appear to the satisfaction of the president of the university that he requires leave of absence for the purpose of earning funds to defray his expenses while in attendance, may, in the discretion of the president, be granted such a leave of absence, and may be allowed a period not exceeding six years from the commencement thereof for the completion of his course at said university.

§ 8. Notices of the time and place of the examination shall be given in all the schools having pupils eligible thereto, prior to the first day of January in each year. The Superintendent of Public Instruction shall attend to the giving of the notices hereinbefore provided for. He may, in his discretion, direct that the examination in any county may be held at some other time and place than that hereinbefore specified. He shall keep full records in his department of the reports of the different examiners, showing the age, postoffice address and standing of each candidate, and shall notify candidates of their rights under this act. He is hereby charged with the general supervision and direction of all matters in connection with the filling of such scholarships. He shall determine any controversy which may arise under this act.

§ 9. Students enjoying the privileges of State scholarships shall, in common with other students of said university, be subject to all the examinations, rules and requirements of the board of trustees and faculty, except as herein provided.

§ 10. Nothing herein contained shall be construed to prevent the board of trustees of said university from granting such other free scholarships as, in their discretion, may be deemed best.

APPROVED June 24, 1895.

## WILLS.

### CONTEST OF WILL IN CHANCERY.

§ 1. Amends section 7 of the act of 1872 by reducing the time within which validity may be contested from three to two years, and omitting *femes covert* and persons absent from the State from those under disabilities.

*AN ACT to amend section seven (7) of an act entitled "An act in regard to wills," approved March 20, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections seven (7) of an act entitled "An act in regard to wills," approved March 20, 1872, in force July 1, 1872, be, and the same is hereby, amended to read as follows:

SECTION 7. When any will, testament or codicil shall be exhibited in the county court for probate thereof, as aforesaid, it shall be the duty of the court to receive probate of the same without delay, and to grant letters testamentary thereon to the person or persons entitled, and to do all other needful acts to enable the parties concerned to make settlement of the estate at as early a day as shall be consistent with the rights of the respective persons interested therein: *Provided, however,* that if any person interested shall, within two (2) years after the probate

of any such will, testament or codicil, in the county court as aforesaid, appear, and by his or her bill in chancery, contest the validity of the same, an issue at law shall be made up, whether the writing produced be the will of the testator or testatrix or not, which shall be tried by a jury in the circuit court of the county wherein such will, testament or codicil shall have been proven and recorded as aforesaid, according to the practice in courts of chancery in similar cases, but if no such person shall appear within the time aforesaid, the probate as aforesaid shall be forever binding and conclusive on all of the parties concerned, saving to infants, or *non compos mentis*, the like period after the removal of their respective disabilities. And in all such trials by jury, as aforesaid, the certificate of the oath of the witnesses at the time of the first probate shall be admitted as evidence, and to have such weight as the jury shall think it may deserve.

APPROVED April 11, 1895.

## JOINT RESOLUTIONS.

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### ADDITIONAL COMPENSATION TO ELEVATOR CONDUCTORS.

WHEREAS, In consideration of the arduous duties performed by the elevator conductors during the sittings of the General Assembly, it has always heretofore been customary to provide for an increase in the per diem of the persons assigned to the elevator service, said persons being borne on the pay rolls at the per diem of two dollars per day, only, and

WHEREAS, Louis Chaffee, Eugene Barton, Charles E. Crum, John Highfield and Daniel T. Sullivan have been engaged in the performance of the duties aforesaid at the per diem hereinbefore mentioned, and therefore entitled to receive the additional compensation allowed to employes assigned to the elevator service on account of the arduous duties and also on account of the hazard and danger incident thereto; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein:* That for the purpose of paying said indebtedness, the Auditor of Public Accounts be, and he is hereby, authorized to compute the aggregate of said indebtedness to the before mentioned persons, severally, for services rendered by them during this present session at the rate of one dollar per day in addition to the per diem hereinbefore mentioned and referred to, and that he is authorized and directed to draw his warrants in their favor, severally, for such sum as may respectively be due them hereunder, and the State Treasurer shall pay the same out of any moneys not otherwise appropriated.

Adopted by the Senate June 11, 1895.

Concurred in by the House June 14, 1895.

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### ADJOURNMENT FROM JANUARY 24 TO JANUARY 29.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the Senate and House of Representatives adjourn to-day, they stand adjourned until 10 o'clock, Tuesday, January 29, 1895.

Adopted by the Senate January 24, 1895.

Concurred in by the House January 24, 1895.



## ADJOURNMENT FROM MARCH 29 TO APRIL 3.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the two Houses adjourn on Friday, March 29, 1895, they stand adjourned until Wednesday, April 3, 1895, at 10 o'clock, a. m.

Adopted by the Senate March 27, 1895.

Concurred in by the House March 27, 1895.

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## ADJOURNMENT FROM APRIL 12 TO APRIL 17.

*Resolved, by the Senate, the House of Representatives concurring herein:* That when the Senate and House of Representatives adjourn on Thursday, April 11, 1895, they stand adjourned to Wednesday, April 17, 1895, at 10 o'clock, a. m.

## HOUSE AMENDMENT.

Amend the resolution by striking out the words, Thursday, April 11, and inserting in lieu thereof the words, Friday, April 12.

Adopted by the Senate April 10, 1895.

Amended by the House April 11, 1895.

Amendment concurred in by the Senate April 11, 1895.

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## ADJOURNMENT, SINE DIE.

*Resolved, by the House of Representatives, the Senate concurring therein:* That when the House and Senate adjourn on the 14th day of June, 1895, they stand adjourned without day.

Adopted by the House May 16, 1895.

Concurred in by the Senate May 22, 1895.

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## ALLOWING THE UNIFORMED RANK KNIGHTS OF PYTHIAS TO OCCUPY CAMP LINCOLN.

WHEREAS, The Illinois Brigade of the Uniform Rank Knights of Pythias is desirous of holding its annual encampment for the year 1895 at the city of Springfield, and

WHEREAS, The said Illinois Brigade Uniform Rank Knights of Pythias has no tents or camp equipage with which to properly conduct said encampment, therefore

*Resolved, by the House of Representatives, the Senate concurring therein:* That the Adjutant General of the State, with the approval of the Governor, be and is hereby authorized and directed to allow the said Illinois Brigade Uniform Rank Knights of Pythias to use, for the purpose of said encampment, the grounds

of the State, known as Camp Lincoln, with a sufficient number of State tents and appurtenances, bed sacks and other camp equipage, cooking and table utensils, horse equipments, etc., as will accommodate said Illinois Brigade Uniform Rank Knights of Pythias at such time during the summer of 1895 as the commanding officers of said brigade shall desire, and after the use thereof by the Illinois National Guard in its annual encampment: *Provided*, That the officers of said Illinois Brigade Uniform Rank Knights of Pythias, making requisition for said property as above shall execute and deliver to the said Adjutant General, a good and sufficient bond, in double the value of said property of the State, providing for the payment of all expenses connected with the supply and return of said property and for any loss or damage the State may sustain in said property, by reason of the use of the same as above.

Adopted by the House March 8, 1895.

Concurred in by the Senate March 12, 1895.

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AMENDMENT TO THE CONSTITUTION.

*Resolved, by the House of Representatives, the Senate concurring herein:* That there shall be submitted to the voters of this State at the next election of members of the General Assembly a proposition to amend the constitution of this State, to-wit:

*Resolved*, That section 2 of article fourteen (14) of said constitution be amended to read as follows:

SECTION 2. Amendments to this constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection at the next election of members of the General Assembly in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three (3) months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the General Assembly shall have no power to propose amendments to more than three (3) articles of this constitution at the same session, nor to the same article, oftener than once in two years.

Adopted by the House by a two-thirds vote May 9, 1895.

Concurred in by the Senate by a two-thirds vote June 14, 1895.

## CARRIERS ENGAGED IN INTER-STATE COMMERCE.

*Be it resolved, by the House of Representatives, the Senate concurring therein:* That our senators and representatives in congress from this State be requested to vote for the immediate consideration and passage of a measure now pending, known as House Bill No. 8556, as amended by Committee on Labor, concerning carriers engaged in inter-state commerce and their employes, and that the clerk of this House be requested to at once have printed and mailed to each member in congress and each senator from Illinois, a copy of this resolution.

Adopted by the House February 13, 1895.

Concurred in by the Senate February 14, 1895.

## CLAIMS UNDER SWAMP LAND GRANT.

WHEREAS, The claim of this State, against the government of the United States for indemnity due the State under the Swamp Land Grant, has never been adjusted or paid, but has been withheld for nearly half a century upon one pretext and another, and

WHEREAS, A bill is now pending before the Senate of the United States, known as Senate Bill No. 1777, providing for the settlement of the claims of this and other states arising under the several acts of congress relating to swamp lands, and

WHEREAS, Said bill, as printed, contains clauses and amendments, which, if not eliminated by amendment, will defeat and render nugatory the purpose of said bill as stated in the title thereof, therefore,

*Resolved, by the Senate, the House of Representatives concurring herein:* That said bill, except lines twenty-seven to forty, inclusive, of section one, and that part of section two, beginning with the word "and" in line eight of said section, down to and including the word "investigation" in line twenty-six of said section two, meets with our approval, and that said bill, if the above designated portions are stricken out, will, if it becomes a law, result in a fair, just and equitable settlement of the aforesaid claims.

*Resolved, further:* That our senators and representatives in congress be, and they are hereby, requested to use all honorable means to secure the passage of said bill, amended in the manner and form above set forth.

Adopted by the Senate February 20, 1895.

Concurred in by the House February 21, 1895.

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COMMITTEE TO ATTEND THE FUNERAL OF THE HONORABLE WALTER Q. GRESHAM.

*Resolved, by the Senate, the House of Representatives concurring herein:* That a committee of nine members of the House and seven of the Senate, of which committee the presiding officers of the respective houses shall be members, be appointed to represent the General Assembly at the funeral services of the Honorable Walter Q. Gresham, late Secretary of State, of the United States.

Adopted by the Senate May 29, 1895.

Concurred in by the House May 29, 1895.

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## COMMITTEE TO EXAMINE ENROLLED BILLS.

*Resolved, by the Senate, the House of Representatives concurring herein:* That a committee of two from the Senate and three from the House be appointed to remain 10 days, at the per diem now allowed them by law, after the adjournment of the Thirty-ninth General Assembly, to see that all bills passed are properly enrolled and laid before the Governor for his consideration.

Adopted by the Senate June 11, 1895.

Concurred in by the House June 12, 1895.

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## COMMITTEE TO PREPARE JOINT RULES.

*Resolved, by the House of Representatives, the Senate concurring herein:* That there shall be a joint committee, consisting of three members of the House and two of the Senate, to prepare and report joint rules for the regulation and conduct of business between the two Houses.

Adopted by the House January 16, 1895.

Concurred in by the Senate January 17, 1895.

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## CONSTRUCTION OF THE ACT ESTABLISHING THE EASTERN ILLINOIS NORMAL SCHOOL.

*Resolved, by the House of Representatives, the Senate concurring herein:* That section 10 of an act entitled "An act to establish and maintain the Eastern Illinois Normal School," be, and the same is hereby, construed and declared to mean that the territory embraced includes all the counties lying upon or traversed by the main line of the Illinois Central R. R. between Decatur and Sandoval, the main line of the Baltimore and Ohio S. W. Ry. between Sandoval and Vincennes and the main line of the Wabash R. R. between Decatur and Danyille and the counties enclosed within the boundaries named above.

Adopted by the House May 24, 1895.

Concurred in by the Senate May 24, 1895.



## DEATH OF EDWARD L. M'DONALD.

WHEREAS, We learned with the most profound regret, of the death of Honorable Edward L. McDonald, which occurred at his home, in Jacksonville, Illinois, on the 2d day of February, A. D. 1894, and

WHEREAS, He served with marked credit and honor as a member of the House of Representatives in the 34th General Assembly, and as a member of the Senate in the 36th and 37th General Assemblies, in addition to holding other public offices of honor and trust, therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein:* That by his death the State has suffered the loss of one of its most trustworthy, able and highly esteemed citizens and public servants.

*Resolved,* That his death in the prime of manhood is deeply felt and sincerely deplored, not alone by his family and the community in which he resided, but also by the many friends throughout the State, who were attracted to him by the nobility of his character.

*Resolved,* That an engrossed copy of these resolutions be forwarded to the family of the deceased.

Adopted by the Senate February 5, 1895.

Concurred in by the House February 6, 1895.

## DEATH OF FREDERICK DOUGLAS..

*Be it resolved by the House of Representatives, the Senate concurring therein:* That the General Assembly of the State of Illinois has this day learned, with deep sorrow, of the death of Frederick Douglas, the great editor, orator, liberator and statesman, who, by his own efforts and industry, transformed himself from the condition of a slave to the estate of a freeman, from an untutored boy to an educated, intelligent and cultured man, and one of the leaders of the world's best thought and highest action. In recognition of the fact that he contributed largely to the overthrow of the slave system in the United States, and to the emancipation of thought and speech, to the enlargement of the theory and practice of free government, and to the personal liberty of the citizen, the General Assembly of the State of Illinois pays this tribute to his memory, and expresses its sense of the great loss which the country has sustained by reason of his death.

Adopted by the House February 21, 1895.

Concurred in by the Senate February 28, 1895.

## DEATH OF JAMES W. SCOTT.

*Resolved, by the House of Representatives, the Senate concurring therein:* That the 39th General Assembly learns with profound sorrow of the sudden death of James W. Scott, publisher of "The Chicago Times-Herald." By his death American journalism is deprived of one of its most intelligent, honorable and successful members; Illinois and her great Chicago, one of her best and most useful citizens, and mankind an always open handed friend—"one that loved his fellow men."

*Resolved,* That the above resolution be entered upon the journals of the House of Representatives and of the Senate, and that a copy of the same be forwarded by the Secretary of State, to the stricken wife, to whom the profound sympathy of this General Assembly is respectfully tendered.

Adopted by the House April 17, 1895.

Concurred in by the Senate April 17, 1895.

## DEATH OF THE HONORABLE WALTER Q. GRESHAM.

WHEREAS, The American people have learned with profound regret and feelings of the deepest sorrow of the death of the Secretary of State, the Honorable Walter Q. Gresham, which occurred in the city of Washington, on the 28th day of May, 1895, and

WHEREAS, The life and life work of Mr. Gresham has been such as to endear him to every lover of liberty and sympathizer of American institutions, and has taught to the young manhood of America the possibilities that lie in the path of pluck, ambition, determination and honesty, therefore, be it

*Resolved, by the members of the House of Representatives of the State of Illinois, the Senate concurring herein:* That the people of Illinois recognize and pay tribute to Mr. Gresham's life as a soldier, a jurist and a statesman, and that we, the people of his adopted State, together with the people of this great country he loved and served, bow in sorrow at his death, and recognize that the cause of free government has lost one of its ablest champions and the State of Illinois one of its noblest citizens. Be it further

*Resolved,* That we extend to the bereaved family our tenderest sympathy and consideration, and that a copy of these resolutions be engrossed and mailed to the family, and that the resolutions be spread upon the records of this General Assembly.

Adopted by the House May 28, 1895.

Concurred in by the Senate May 28, 1895.

## ELECTION OF UNITED STATES SENATOR.

*Resolved, by the Senate, the House of Representatives concurring herein:* That on Tuesday, the 22nd day of January, instant, at 11 o'clock A. M., each house shall by itself and in the manner prescribed by sections 14 and 15 of the revised statutes of the United States, name a person for senator in Congress of the United States, from the State of Illinois, for a term of six years, from the 4th day of March A. D. 1895.

And on Wednesday, the 23rd day of January, instant, at 12 o'clock meridian, the members of the two houses shall convene in joint assembly in the hall of the House of Representatives, and in the manner prescribed by law, declare the person who has received a majority of the votes in each house, if any person has received such majority, duly elected senator to represent the State of Illinois in the Congress of the United States for the term aforesaid.

And if no person has received such majority, then proceed as prescribed in said law, in joint assembly, to choose a person for the purpose aforesaid.

Adopted by the Senate January 16, 1895.

Concurred in by the House January 16, 1895.

## ELECTRIC RAILWAY AT THE ELGIN ASYLUM.

*Be it resolved, by the Senate and House of Representatives of the State of Illinois:* That the Board of Trustees of the Illinois Northern Hospital for the Insane, at Elgin, be, and they are hereby, instructed to petition the proper authorities and consent that The Carpentersville, Elgin and Aurora Railway Company, its successors and assigns, be granted the right to lay down and maintain a single or double track railway, with appurtenances, and to operate the same by electricity upon and along the public highway opposite and crossing the land of said The Illinois Northern Hospital for the Insane, at Elgin, in sections twenty-three and twenty-six in the township of Elgin, Kane county, Illinois.

Adopted by the Senate June 14, 1895.

Concurred in by the House June 14, 1895.

## FLAG ON STATE HOUSE.

WHEREAS, The legislature in former years appropriated a large amount of money for the purpose of building a State House, and

WHEREAS, The State House was built in the beautiful city of Springfield, the capital city of our State, the home of the martyred Lincoln, who gave the crowning glory to our flag by his tragic death and

WHEREAS, The said State House became a beauty and a joy forever, the pride of every Illinoisan, and an honor to our honored State, and

WHEREAS, The Government of the United States, through its Congress, has adopted a flag, a national emblem, which has plucked the stars from the firmament and which reflects the ethereal blue of the heavens, which proclaims liberty and freedom to all mankind, and under whose folds every American citizen is protected whether at home or abroad, whether on land or on sea, in whose defense thousands of our sons have laid down to their eternal sleep, and for whose preservation a large number of the members of this legislature, with many thousands more have tramped through field and flood, through sun and storms, through heat and cold, that they might hand this emblem of liberty down to their children, and that the government of the people, by the people and for the people, might not perish from the earth, and

WHEREAS, The 39th General Assembly has seen with sorrow and regret the flag of our country, "Old Glory," has not been and is not now floating over our beautiful Capitol building; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring:* That the Secretary of State is hereby authorized and requested to purchase a United State's flag of suitable size, provided he has not already got one in his keeping belonging to the State, and cause the same to be hoisted to the flag-staff above the dome of the State House, and to see that the same be kept floating from eight o'clock A. M. until five o'clock P. M. of each and every day in the year, except in very stormy days, and the Secretary of State is hereby authorized to use any money for the purchase of said flag that has been or that may hereafter be appropriated for his use for the purchase of supplies of the State House.

Adopted by the House March 8, 1895.

Concurred in by the Senate March 12, 1895.

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ILLINOIS REPORTS FOR CUMBERLAND COUNTY.

WHEREAS, The statutes of the State of Illinois provides for the distribution of the Reports of the Decisions of the Supreme Court to the clerks of the courts of record in this State, and

WHEREAS, The court house in Cumberland county was destroyed by fire in November, 1885, and the volumes of the Illinois Reports so distributed to said county were therein destroyed, therefore, be it



*Resolved, by the Senate, the House of Representatives concurring therein:* That the Secretary of State be, and he is hereby, authorized to purchase volumes 1 to 109 inclusive, of the Illinois Reports and deliver the same to the circuit clerk of said Cumberland county, and

WHEREAS, The court house of Jersey county, Illinois was destroyed by fire and some of the volumes of the Illinois Supreme Court Reports were destroyed and lost by reason of said fire; therefore, be it

*Resolved,* That the Secretary of State be, and he is hereby, authorized to furnish to said county the missing volumes to complete the set of Reports now owned by said county.

Adopted by the Senate January 30, 1895.

Amended and concurred in by the House January 31, 1895.

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MILITARY LAND GRANTS.

WHEREAS, There is now pending in the Congress of the United States a bill known as House Bill 8405, granting five per centum of the land sales on military land warrants to the public land states, and

WHEREAS, This bill is of great interest to the people of this State, and if enacted into a law will benefit the people of this State; therefore, be it

*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring herein:* That our Senators in Congress are hereby instructed, and our Representatives requested to vote for said bill, and to use all honorable means to secure its passage.

*Resolved, further:* That the Secretary of the Senate and Clerk of the House furnish to each Senator and member of Congress an authenticated copy of these resolutions.

Adopted by the Senate February 20, 1895.

Amended and concurred in by the House February 21, 1895.

Amendment concurred in by the Senate February 26, 1895.

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OUTLET FROM SPRING LAKE TO ILLINOIS RIVER.

WHEREAS, It is represented to this body that the outlet from Spring Lake to the Illinois River mentioned in an act entitled "An act to appropriate money for the improvement of an outlet from Spring Lake to the Illinois River, approved May 17, 1877, in force July 1, 1877," for which the sum of sixty-two hundred (6,200) dollars was appropriated, has been and is now obstructed, and that said outlet is now in need of repair and improvement; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein:* That the State Board of Canal Commissioners of said State be, and are hereby, directed to remove or cause all such obstructions to be removed from said outlet and make or cause to be made all necessary repairs or improvements thereon without unnecessary delay so as to afford the safe and convenient passage for canal boats or other water crafts to and from said lake to the Illinois River. And said Canal Commissioners are further directed to at all times hereafter keep said outlet in proper and suitable condition to be useful for the purpose for which it was constructed by said State.

Adopted by the House March 28, 1895.

Concurred in by the Senate March 28, 1895.

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PENSION TO GEN. JOHN A. McCLERNAND.

WHEREAS, There is now pending in the Congress of the United States a bill for the award of a pension to Major General John A. McClernand, of Illinois, and

WHEREAS, General McClernand was one of the bravest of the many brave soldiers from Illinois, who enlisted early in the war, threw the weight of his great influence at the very inception of the mighty conflict in favor of the Union, thus inspiring the people of this great State with his own lofty and enthusiastic patriotism, which was of immeasurable value to the cause of freedom, and

WHEREAS, His services in the army were of great value to the nation, and added luster to the fair name of Illinois; therefore, be it

*Resolved, by the House of Representatives of the State of Illinois, the Senate concurring therein:* That the Senators from Illinois be instructed, and the members of Congress from this State be requested to do all in their power to secure the passage of the said bill, and the recognition, too long delayed, of his patriotic services.

*Resolved, further:* That the Clerk of this House be directed to furnish each Senator and member of Congress from this State, and to General McClernand a copy of these resolutions.

Adopted by the House January 18, 1895.

Concurred in by the Senate January 23, 1895.

## PRINTING THE GOVERNOR'S BIENNIAL MESSAGE.

*Resolved, by the House of Representatives, the Senate concurring therein:* That the Secretary of State be, and is hereby, authorized to have printed five thousand (5,000) copies of Governor Altgeld's biennial message for distribution among the members of this General Assembly.

Adopted by the House January 10, 1895.

Concurred in by the Senate January 11, 1895.

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## RECORDS OF ILLINOIS SEAMEN IN U. S. NAVY.

WHEREAS, There are no records in the Adjutant General's department of this State of the men from Illinois who served in the United States Navy during the war of the Rebellion; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein:* That the Adjutant General be, and is hereby, instructed to communicate with the Secretary of the Navy, Washington, D. C., and procure the necessary records of the names of men so enlisted in the United States Navy from the State of Illinois.

Adopted by the House June 6, 1895.

Concurred in by the Senate June 11, 1895.

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## TRANSFER OF LINCOLN MONUMENT.

WHEREAS, House Bill No. 383, known as "The Lincoln Monument Bill," will, by the signature of the Governor, become a law, and

WHEREAS, Said bill provides for the transfer by "The Lincoln Monumental Association" to the State of Illinois, the monument with its sacred charge, and makes provision for the care and a custodian for the same; be it, therefore,

*Resolved, the Senate concurring herein:* That the Speaker of the House, the Lieutenant Governor, and Honorable C. C. Brown, members of the Lincoln Monumental Association, be constituted a committee to confer with the Honorable Richard J. Oglesby, president of said association, and the Governor of Illinois, and to fix time and place for the public transfer of said monument and grounds to the care of the State and to perform such other duties as may, in their judgment, be necessary for the public observance of said event.

Adopted by the House May 3, 1895.

Concurred in by the Senate May 3, 1895.

## WAUKEGAN HARBOR.

WHEREAS, It is of paramount importance to the people of this State that the river and lake advantages within and adjacent to its boundaries be kept in proper condition for the carrying on of commercial enterprises between the citizens of this State and other states and countries, and

WHEREAS, The harbor at Waukegan, Illinois, has been partially improved by the United States government but is yet in need of further improvement in order to fully meet the needs of lake shipping at that point, therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein:* That our Senators in Congress be instructed and our Representatives be requested to obtain from the general government an appropriation for the completion of the improvements begun in the harbor at Waukegan, Illinois.

*Resolved, further:* That the secretary of the Senate and clerk of the House are hereby instructed to send certified copies of these resolutions to each of our Senators and Representatives in Congress assembled.

Adopted by the Senate February 20, 1895.

Amended and concurred in by the House February 20, 1895.

Amendment concurred in by the Senate February 20, 1895.



UNITED STATES OF AMERICA,    }  
STATE OF ILLINOIS.               } ss.

OFFICE OF THE SECRETARY OF STATE.

I, WILLIAM H. HINRICHSEN, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Thirty-ninth General Assembly of the State of Illinois, passed and adopted at the regular session thereof, are true and correct copies of the original acts and joint resolutions, now on file in the office of the Secretary of State, save and except such words, letters and figures as are printed in brackets, thus [ ].

[SEAL.]   IN WITNESS WHEREOF, I hereto set my hand and affix the  
Great Seal of State. Done at the Capitol, in the City of  
Springfield, this 1st day of July, A. D. 1895.

*W. H. Hinrichsen*

*Secretary of State.*

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L A W S

OF THE

STATE OF ILLINOIS

ENACTED BY THE

THIRTY-NINTH GENERAL ASSEMBLY,

AT THE EXTRA SESSION,

*Begun and held at the Capitol, in the City of Springfield, on  
the 25th day of June, A. D. 1895, and adjourned  
sine die, on the 2d day of August, A. D. 1895.*

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*Printed by Authority of the General Assembly  
of the State of Illinois.*

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# LAWS OF ILLINOIS.

## SPECIAL SESSION.

### APPROPRIATIONS.

#### EMPLOYES SPECIAL SESSION.

- |   |                 |
|---|-----------------|
| § 1. Appropriates \$5,000 to pay the employés of the General Assembly at the special session—How drawn. | § 2. Emergency. |
|---|-----------------|

*AN ACT making appropriations for the payment of the employés of the Special Session of the Thirty-ninth General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary to pay the employés of the special session of the Thirty-ninth General Assembly, at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or as otherwise provided by law.

§ 2. Whereas, the above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists, and this act shall take effect from and after its passage.

APPROVED July 26, 1895.

### ARBITRATION.

#### STATE BOARD CREATED.

- |  |                                       |
|--|---------------------------------------|
| § 1. Governor to appoint Board of Arbitration—Terms—Vacancies—Organization | § 5. Force of decision.               |
| § 2. Controversy between employer and employés—Inquiry—Hearing—Decision.   | § 6. Strike or lockout—Duty of board. |
| § 3. Application for investigation—Hearing—Notice.                         | § 7. Salaries of members.             |
| § 4. Written decision—Record—Annual report.                                | § 8. Service of process.              |
|  | § 9. Emergency.                       |

*AN ACT to create a State Board of Arbitration for the investigation or settlement of differences between employers and their employés, and to define the powers and duties of said board.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* As soon as this act shall take effect the Governor, by and with the advice and consent of the Senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled



a State "Board of Arbitration," to serve as a State Board of Arbitration and Conciliation; one and only one of whom shall be an employer of labor, and one and only one of whom shall be an employé and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the Senate. On the first day of March, 1897, the Governor, with the advice and consent of the Senate, shall appoint three persons as members of said board in the manner above provided, one to serve for one year, one for two years and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the Governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occurs at any time, the Governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and who shall receive a salary to be fixed by the board, not to exceed \$1,200 per annum and his necessary traveling expenses, on bills of items to be approved by the board, to be paid out of the State treasury.

§ 2. When any controversy or difference not involving questions which may be the subject of an action at law or bill in equity, exists between an employer, whether an individual, co-partnership or corporation, employing not less than twenty-five persons, and his employés in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

§ 3. Said application shall be signed by said employer or by a majority of his employés in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As

soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board shall have power to summon as witnesses any operative, or expert in the departments of business affected and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the record of wages paid. The board shall have power to issue subpoenas, and oaths may be administered by the chairman of the board.

§ 4. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the Governor before the first day of March of each year.

§ 5. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employés by posting in three conspicuous places in the shop or factory where they work.

§ 6. Whenever it shall come to the knowledge of the State board that a strike or lock-out is seriously threatened in the State, involving an employer and his employés, if he is employing not less than twenty five persons, it shall be the duty of the State board to put itself in communication as soon as may be, with such employer or employés, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

§ 7. The members of the said board shall each receive a salary of \$1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State, upon bills of particulars approved by the Governor.

§ 8. Any notice or process issued by the State Board of Arbitration, shall be served by any sheriff, coroner or constable to whom the same may be directed or in whose hands the same may be placed for service.

§ 9. Whereas, an emergency exists, therefore it is enacted that this act shall take effect and be in force from and after its passage.

APPROVED August 2, 1895.

## REVENUES.

## ADDITIONAL LEVY FOR STATE PURPOSES.

- |  |                        |
|--|------------------------|
| <p>§ 1. Additional levy of \$500,000 per annum for the years 1895-96.</p> <p>§ 2. Governor and Auditor to compute the necessary rate per cent.</p> | <p>§ 3. Emergency.</p> |
|--|------------------------|

*AN ACT to provide additional necessary revenue for State purposes.*

Whereas, At the general session of the Thirty-ninth General Assembly, in estimating the income of the State for the next two years, the income from the inheritance tax was estimated at one million dollars, and

Whereas, At this special session in making the report upon the necessity of an additional levy the same amount was estimated as a reasonably sure income from said tax, and

Whereas, Since the making of said original levy and also since the making of said report to this special session, the Supreme Court of the State of Ohio, has held an inheritance law similar to the one passed in this State to be unconstitutional, thereby making it uncertain as to the constitutionality of said law and the income to be derived from the same, and in order that there may be no doubt about a sufficient levy to raise sufficient money to meet all the appropriations of the Thirty-ninth General Assembly, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised by levying a tax by valuation upon the assessed taxable property of the State, in addition to the sums authorized by an act entitled "An act to provide for the necessary revenue for State purposes," in force July 1, 1895, for general State purposes, to be designated "revenue fund," the sum of five hundred thousand dollars (\$500,000) upon the assessed valuation of property for the year A. D., 1895, and five hundred thousand dollars (\$500,000) upon the assessed valuation of property for the year A. D., 1896.

§ 2. The Governor and Auditor shall annually compute the several rates per cent. required to produce not less than the above amounts, together with the amounts authorized to be raised by the said act entitled, "An act to provide for the necessary revenue for State purposes," referred to in section one of this act, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding, and when so ascertained,

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the Auditor shall certify to the county clerks the proper rates per cent. therefor, and also such definite rates for other purposes as are now or may hereafter be provided by law to be levied and collected as State taxes, and all laws and parts of laws in conflict with this act are hereby repealed.

§ 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage.

APPROVED August 2, 1895.



JOINT RESOLUTIONS.

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ADJOURNMENT, JUNE 28 TO JULY 9.

*Resolved, by the House of Representatives, the Senate concurring herein:* That when the two Houses adjourn to-day, they stand adjourned until Tuesday the 9th day of July next, at the hour of ten (10) o'clock in the forenoon.

Adopted by the House June 28, 1895.

Concurred in by the Senate June 28, 1895.

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ADJOURNMENT, SINE DIE.

*Resolved, by the House of Representatives, the Senate concurring therein:* That the special session of the Thirty-ninth General Assembly adjourn Friday, August 2, 1895, without day.

Adopted by the House August 1, 1895.

Concurred in by the Senate August 1, 1895.

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APPROPRIATION TO PAY FUNERAL EXPENSES OF JOHN MEYER.

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THIRTY-NINTH GENERAL ASSEMBLY—SPECIAL SESSION.

SENATE JOINT RESOLUTION NO. 1.

*Resolved, by the Senate the House of Representatives concurring herein:* That there is hereby appropriated the sum of four hundred and ten dollars (\$410) to pay the funeral expenses of the Honorable John Meyer, late Speaker of the House of Representatives.

Adopted by the Senate July 17, 1895.

Concurred in by the House of Representatives July 17, 1895.

## HARBOR IMPROVEMENT IN LAKE MICHIGAN.

WHEREAS, It is believed that a comprehensive plan should now be formulated for the construction of increased areas of dockage and the improvement of harbors, to accommodate and protect deep draught vessels, and sufficient in scope and character to be commensurate with modern improvements in ship building and the vast increase in lake and river commerce, and

WHEREAS, The carrying out of such a plan, especially upon that part of the shore of Lake Michigan that is within the borders of Illinois, would greatly add to State and municipal revenues, and at the same time be a legitimate aid to our commerce, both interstate and foreign; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein:* That the senators from Illinois be instructed, and the members of Congress from this State be requested, to do all in their power to secure the coöperation of the United States in formulating such a plan, and to bring about such legislation as will assist in carrying it into speedy execution; be it further

*Resolved,* That the Secretary of State be, and he hereby is, directed to forward a copy of this resolution to every one of the Senators and Representatives from this State.

Adopted by the Senate August 2, 1895.

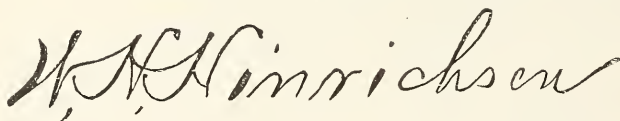
Concurred in by the House August 2, 1895.

UNITED STATES OF AMERICA,      }  
STATE OF ILLINOIS.               } ss.

OFFICE OF THE SECRETARY OF STATE.

I, WILLIAM H. HINRICHSEN, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Thirty-ninth General Assembly of the State of Illinois, passed and adopted at the extra session thereof, are true and correct copies of the original acts and joint resolutions, now on file in the office of the Secretary of State, save and except such words, letters and figures as are printed in brackets, thus: [ ].

[SEAL,]      IN WITNESS WHEREOF, I hereto set my hand and affix the  
Great Seal of State. Done at the Capitol, in the city  
of Springfield, this 12th day of August, A. D. 1895.

A handwritten signature in cursive script, reading "W. H. Hinrichsen". The signature is written in dark ink and is positioned above the printed title "Secretary of State."

*Secretary of State.*

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